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HISTORY OF ENGLAND

1603–1642

VOL. I.

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HISTORY OF ENGLAND

FROM THE

ACCESSION OF JAMES I.

TO

THE OUTBREAK OF THE CIVIL WAR

1603–1642

COLLEGE OF PRECEPTORS
BLOOMSBURY SQUARE.

BY

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IN TEN VOLUMES

VOL. I.

1603–1607

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PREFACE.

In issuing in a connected form the works which have been the labour of twenty years, my attention has necessarily been called to their defects. Much material has accumulated since the early volumes were published, and my own point of view is not quite the same as it was when I started with the first years of James I. I have therefore thoroughly revised and, in part, rewritten the first portion of the book.

The most important contribution to the history of the period is Mr. Spedding's edition of Bacon's *Letters and Life*. The mere fact that it has given us, for the first time, Bacon's letters in chronological order would be a cause for the greatest thankfulness. With the addition of Mr. Spedding's own commentary, the book is simply invaluable to the historian of Bacon's period.

I may also refer to Mr. Pattison's *Isaac Casaubon* and Dean Church's 'Essay on Andrewes' in *Leaders of English Theology*. Mr. Hamilton's *Calendar of Domestic State Papers* has advanced a stage even since the publication of my last volume, and the *Irish Calendar of State Papers* relating to the reign of James I., by Messrs Russell and Prendergast, has entirely appeared since I worked at that period. I cannot abstain from referring to Mr. J. T. Gilbert's excellently chosen selection of Irish State Papers printed in the Appendices to his *Contemporary History*

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of Affairs in Ireland, and his *History of the Irish Confederation*, as, though only a few of them refer to the period with which the present work is occupied, I hope to be able to make full use of them when I come to deal with the Civil War.

Of MS. sources of information, which I had not at command in writing my first edition, I would specify the letters preserved at Hatfield, access to which I owe to the kindness of the Marquis of Salisbury, and the series of Roman transcripts which are now accumulating in the Public Record Office. Every month, and sometimes every week, brings a new addition to this valuable collection, and I may probably be able in an Appendix to the last volume to clear up some points left unsettled.

I have also received permission from Earl Cowper to examine the correspondence of Sir John Coke preserved at Melbourne Hall, and from Mr. F. W. Cosens to see a collection of transcripts of Gondomar's despatches in his possession.

In the first edition the work opened with a somewhat lengthy sketch of English history down to the death of Elizabeth. The greater part of this is now omitted, partly because it seems out of place, and partly because I have recently given it to the world in a more mature form, in an *Introduction to the Study of English History* written by me in conjunction with Mr. J. Bass Mullinger.

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HISTORY OF ENGLAND.

CHAPTER I.

THE TUDOR MONARCHY.

THE first eight centuries of English history were centuries of national consolidation. Gradually petty tribes were merged in larger kingdoms, and kingdoms were merged in the nation. The Norman Conquest, which created a fresh antagonism of race, softened down territorial antagonisms. Then followed the process by which the English and the Norman races were fused into one. In the reign of Henry II. the amalgamation had been completed, and the union between classes was strengthened by the bond of a common resistance to the tyranny of John, and to the subserviency of Henry III. to foreign interests. Fortunately for England she found in the son of Henry III. a king who was a thorough Englishman and who was as capable as he was patriotic.

449–1272. National consolidation.

When Edward I. reached man's estate, he found his countrymen prepared to rush headlong into civil war. When he died, he left England welded together into a compact and harmonious body. It was the result of the early consolidation of the state and nation that, however necessary a strong royal authority still was, the duty of directing the course of progress could be safely entrusted to

1272–1307. Reign of Edward I.

the nation itself. It was not here, as it was in France, that the choice lay only between a despotic king and a turbulent and oppressive baronage—between one tyrant and a thousand. A king ruling in accordance with law, and submitting his judgment to the expressed will of the national council, so that the things which concerned all might be approved of by all, was the ideal of government which was accepted by Edward I.

The Parliaments of Edward I.

The materials of a Parliamentary constitution were no doubt ready to Edward's hand. The great councils of the Norman kings were no more than the Witenagemots of earlier times in a feudal shape, as by subsequent modifications they ultimately took the form of the modern House of Lords. During the reigns of the Conqueror and his sons, they were occasionally held. Under Henry II. they met more frequently, to take part in the great questions of the time, and to give their sanction to the reforms proposed by the king. When John and his son were upon the throne, the great barons saw the necessity of uniting themselves in their opposition to the Government with the lesser knights and freeholders, and accordingly, at that time, representatives of this class began to be present at their meetings. Towards the end of the contest Simon of Montfort summoned burgesses from a few towns which were likely to support his party. The advantages to be derived from these changes did not escape the sagacious mind of Edward. Without a single afterthought, or reservation of any kind, he at once accepted the limitation of his own powers. To the Parliament thus formed he submitted his legislative enactments. He requested their advice on the most important administrative measures, and even yielded to them, though not without some reluctance, the last remnant of his powers of arbitrary taxation.

English Parliamentary government.

He had his reward. Great as were his achievements in peace and war, the Parliament of England was the noblest monument ever reared by mortal man. Perhaps the day may come when that Parliament will think that the statue of Edward ought to occupy the place in Palace Yard which has been so unworthily taken possession of by the one among our long line of sovereigns who has the least

claim to be represented in connection either with Westminster Hall or with the Houses of Parliament. Many things have changed, but in all main points the Parliament of England, as it exists at this day, is the same as that which gathered round the great Plantagenet. It is especially the same in that which forms its chief glory, that it is the representative not of one class, or of one portion of society alone, but of every class and of every portion which, at any given time, is capable of representation. Every social force which exists in England makes its weight felt within the walls of Parliament. The various powers of intellect, of moral worth, of social position and of wealth find their expression there. Lords and prelates, knights and burgesses, join, as they have ever joined, in making laws, because each of these classes of men is capable of forming an opinion of its own, which in its turn is sure to become an element in the general opinion of the country; and because each of them is destined to share in the duty of carrying into execution the laws which have been made.

Nor was it of less importance that those who came up to Parliament should come, not on behalf of their own petty interests, but as representatives of their common country. Happily, the men who composed the Parliament of Edward I. had learned this lesson in opposition to a long course of arbitrary power, and they were not likely to forget it when they were summoned to share the counsels of a truly national king. So it was that the step which seemed to divide the powers of the State, and in the eyes of some would appear likely to introduce weakness into its government, only served to increase its strength. Edward was a far more powerful Sovereign than his father, not so much by the immeasurable superiority of his genius, as because he placed the basis of his authority on a broader footing.

Yet, wide as the basis of government had become, England in the fourteenth century could not afford to dispense with a strong monarchy. The aim of the nation was not, as it afterwards became in the seventeenth century, the restriction of the powers exercised by the Government, but the obtaining of guarantees that those powers should

1307–1399. Necessity of a strong monarchy.

be exercised in the interests, not of the Sovereign, but of the nation. Hence the popularity of every king of England who made it his object to fulfil the duties of his office. A Sovereign who neglected those duties, or one who made use of his high position as a means to pamper his own appetites, or those of his favourites, was alike ruinous to the fortunes of the rising nation. England needed a strong hand to hold the reins, and it knew well what its need was. At all costs a government must be obtained, or anarchy would break out in its wildest forms. What the people felt with regard to the royal office was admirably expressed by a writer who lived in the latter part of the reign of Edward III. After telling the well-known fable of the attempt made by the rats to bell the cat,[1] he proceeds to add a sequel of his own. In his story the cat, of course, represents the king, the rats stand for the nobles, and the mice for the common people. He informs us that after the council of the rats had broken up, a little mouse stepped forward to address the assembly, which then consisted of a large number of mice. He warned them that they had better take no part in any attempt against the life, or even against the power, of the cat. He had often been told by his father of the great misery which prevailed when the cat was a kitten. Then the rats gave the mice no rest. If the cat injured a mouse or two now and then, at all events he kept down the number of the rats.

Illustration from 'Piers Ploughman.'

It was difficult in a hereditary monarchy to find a worthy successor to Edward I. Edward II. was deservedly deposed. His son, Edward III., kept England in peace at home by engaging it in a war of foreign conquest. Richard II. succumbed to the difficulties of his situation, augmented by his own incapacity for the task of government.

The later Plantagenet kings.

The Revolution of 1399 placed the family of Lancaster on the throne. Ruling as it did by a Parliamentary title, it was unable to control the power of the great barons. Parliament was strong, but in Parliament the weight of the House of Lords was superior to that of the

1399–1485. The Lancastrian kings.

[1] *Piers Ploughman*, l. 361–413.

House of Commons, and the lay members of the House of Lords had an interest in diminishing the power of the king, in order that they might exalt their own at the expense of the classes beneath them. Complaints that the kingdom was undone for want of governance were increasingly heard, and waxed louder than ever when the sceptre fell into the hands of a ruler so weak as Henry VI.

The Wars of the Roses.

In the Wars of the Roses which followed, the great lords, though nominally defending the crown of their Sovereign, were in reality fighting for themselves. Personal considerations, no doubt, often decided the part which was taken by individuals in the wars of the Roses, but in the main the aristocracy was Lancastrian, whilst the strength of the House of York lay in the lesser gentry, and the inhabitants of the towns. To the Percies and the Cliffords it was an advantage that there was no king in the land. To the humbler classes it was a matter of life and death that a strong hand should be ever on the watch to curb the excesses of the nobility. As long as the struggle was between a Yorkist king and the incapable Henry, there was no doubt which was the popular hero. When the question narrowed itself into a merely personal struggle between two competitors of equal ability, the people stood aloof, and left it to a handful of interested persons to decide at Bosworth the disputed right to the crown of England.

1485–1509. Henry VII.

With Henry VII. the Tudor dynasty ascended the throne. He took up the work which the kings of the House of York had essayed to accomplish—that of establishing a strong monarchy, powerful enough to suppress anarchy, and to hinder the great nobles from pillaging and ill-treating the middle classes. By putting in force the Statute of Liveries, Henry VII. threw obstacles in the way of the formation of feudal armies wearing the uniform of their lord. By the enlarged jurisdiction which he gave to the Court of Star Chamber, he reached culprits too high to be made amenable to the ordinary processes of law. That Court, unpopular as it afterwards became, was now employed in a popular cause. It brought down punish-

The Statute of Liveries.

The Star Chamber.

ment on the heads of the great, when it was difficult to find a jury which would not be hindered by fear or affection from bringing in a verdict against them, even if it could be supported by the strongest evidence.

Such a work could not be done by a weak king. The middle class—the country gentry and the tradesmen—were strong enough to give support to the sovereign, but they had not as yet that organisation which would have made them strong independently of him. In consequence, the king who gave them security was reverenced with no common reverence. Because very few wished to resist him, those who lifted hand against him fell under the general reprobation. Henry VII., and still more Henry VIII., were therefore able to do many things which no king had ever done before. They could wreak their vengeance on those who were obnoxious to them, sometimes under the cover of the law, sometimes without any pretext of law. Their rule was as near an approach to despotism as has ever been known in England. But heavily as the yoke pressed on individuals it pressed lightly on the nation. One word which has come down to us from those times is sufficient to point out the nature of the power which men understood to be entrusted to the Tudor kings. Even when their acts were most violent, the name by which what we should call 'the nation' was spoken of was 'the commonwealth.' Every class, even the king himself, had a position of its own; but each was expected to contribute to the well-being of the whole. Above all, the king had no standing army, still less a body of foreign mercenaries to depend on. His force rested entirely upon public opinion, and that opinion, inert as it was on questions affecting individual rights, was prompt to take alarm when general interests were at stake.

Strength of the Tudor Monarchy.

1509–1547. Henry VIII.

The specially constitutional work of Henry VIII. was the admission of the House of Commons to a preponderating influence in Parliament. No doubt he filled the House with his own creatures, and he suggested, and even put into shape, the measures adopted by it. For all that, the general tone of the House was the tone of the nation

Increasing power of the House of Commons.

outside, and before the expression of its wishes the House of Peers was compelled to give way. The submission of that which had hitherto in reality, as well as in name, been the Upper House was disguised by the exclusion of a large number of its clerical members through the dissolution of the monasteries, and by the creation of several new peerages in favour of men who had risen by the King's favour from the middle class.

England and the Papacy.

The growth of the sentiment of national unity had, during the Middle Ages, gradually weakened the hold of the Papacy on England. The refusal of Clement VII. to approve of the divorce of Henry VIII. brought the long contest to a crisis. The work commenced when the Conqueror refused to pay Peter's Pence at the bidding of Gregory VII., and, carried on by Henry II., by Edward I., and by the authors of the statutes of Provisors and Premunire, was brought to an end by the Act of Appeals and the Act of Supremacy.

Ecclesiastical independence attained.

England was, in ecclesiastical as well as in civil affairs, to be a nation complete in itself. The great object for which the nation had been striving for centuries was at last attained. The supremacy of the national Government over all individual men, and over all separate classes, was achieved.

Henry had no intention of allowing any change of doctrine in the English Church, but it was impossible for him to stop the force of the currents which were influencing the thoughts of his generation. The very consolidation of national power which had weakened the papal organisation, had also sapped the spiritual basis on which it rested. Over all Western Europe one uniform tendency of thought was at the bottom of every movement during the whole course of the Middle Ages. To check the unruly riot of individual will, and to reach the firm ground of unity and order, was the one prevailing aspiration which manifested itself in all departments of human endeavour. The architects of those cathedrals which were springing up in their beauty in every corner of Europe took care, however irregular the ground plan of the building might be, to lead the eye to one tall spire or tower which

Aspirations of the Middle Ages.

might give unity to their work. The one great poet[1] produced by the Middle Ages worshipped order and arrangement till he, a citizen of Italian Florence, was absolutely driven to call upon a German prince to bring under some kind of law, however rugged, the too luxuriant humours of the burghers of Italian cities. As it was with medieval poetry, so was it with medieval science. Proud of its new-found pre-eminence, the mind of man sat enthroned upon a height from whence it summoned all things human and divine to appear before it, and to give themselves up to the strict laws and the orderly classification which were to be imposed upon them. There were to be no obstinate questionings of the wild vagaries of nature, no reverent confession of inability to comprehend all its mysteries. The mind of man was greater than the material world, and by logic it would comprehend it all. Religion could not fail to follow in the same direction. The ideal of a people is generally composed of every element which is most opposed to the evils of their actual existence. With a people scarcely escaped from barbarism, that form of self-denial could hardly fail to be considered as the highest virtue which is shown, not in active exertion, but in bringing into obedience the unruly passions and the animal desires. The one way to the hearts of men lay through asceticism, and asceticism was only to be found in perfection in the monastery. The body was to be condemned to a living death, and the spirit alone was to live. The greatest saint was not the man who was most useful to the Church, but the man who showed the greatest mastery over all fleshly desires, and had most entirely cast off the feelings of our common nature : for it was this very power of self-restraint which was most difficult of attainment by the impetuous spirit of the ordinary layman. When kings foamed at the mouth and cursed and swore at every trivial disappointment, it was only natural that the most respected of the clergy should wear hair-shirts and live like anchorites. Religious thought followed in the wake of religious practice. There was one faith drawn out

[1] Chaucer not being a medieval poet at all, except in point of time, but standing in the same relation to Shakspere as that in which Wycliffe stands to Luther.

with the most complete exactness to the most infinitesimal consequences, which the greatest minds might illustrate, but from which they might not vary a hairbreadth. In every land one worship ascended to God, clothed in the same holy forms, and offered in the same sacred tongue. Men and the thoughts of men might change as the changing billows of the sea, but there was that amongst them which never changed. To Englishman and Italian, to baron and serf, it told one tale, and inculcated one lesson of submission to Him whose kingdom was above all the earthly distractions and commotion in the midst of which their lives were passed.

At last a great change came. The craving for discipline found its satisfaction in the institutions of the State. Everywhere there was a reaction against asceticism, which sought by crushing human nature to win a glimpse of heaven. Once more, as in the ancient world, man, and the world in which he lives, became the highest object of the thought of man. The barriers by which the old world had been hemmed in fell back, and the wonders of creation revealed themselves in all their infinite glory on every hand. The boundaries of the earth receded before the hardy mariners of Spain and Portugal, and the secret of the skies disclosed itself to Copernicus. The works of the great masters of ancient thought were once more subjected to a minute and reverent study. An architecture arose which was regardless of all religious symbolism, but which based itself on the strictest observance of mechanical law. Great artists enchanted the world by painting men and women as they lived and moved.

Reaction against asceticism. The new learning.

In Italy the new learning found itself in opposition to the dominant religion. In England, where the Church had long blended with the world around it, there was no such violent shock of opinion. Colet and More strove to reconcile the old world with the new, and to mingle the life of a recluse with the life of a student. It was this effort to harmonise separate modes of thought which was the distinguishing mark of the English Reformation. If More shrunk back in this path, there were others who were ready to

Course of the English Reformation.

press on. Gradually, but surely, the received practices, and even received doctrines, were brought to the test of human reason and human learning. At first it was only plainly superstitious usages and impostures which were rejected. Later on the doctrines of the Church were explained in such a way as to meet logical objections, whilst Cranmer, intellectually bold if he was morally weak, was preparing himself by long study of the writings of the teachers of the early Church, to renounce transubstantiation itself as inconsistent, not with the plain words of Scripture, but with those words as interpreted by the practice of the first ages of the Church.

The spirit of the new learning had thus drifted away from the asceticism of earlier days. It found an ally in the spirit of Protestantism. Luther had expressed the central thought of Protestantism when he proclaimed the doctrine of Justification by Faith; it was the exact converse of the religious idea of the Middle Ages. If you would be spiritual, said the monks, put the body to death, and the spirit will see God and live. Let the spirit live in seeing God, said Luther, and the body will conform itself to His will.

Protestantism.

This teaching of the direct personal relationship between man and his Creator, was gradually to permeate the English Church. Its introduction into England made government a hard task. Henry VIII. found himself confronted with the duty of keeping the peace between warring parties. The bulk of his subjects detested innovations, and wished to worship and to believe as their fathers had done. The Protestants were not numerous, but they were energetic. The teaching of Luther soon gave way to the teaching of Zwingli, which was even more antagonistic to the ancient creed; its disciples attacked, sometimes with gross scurrility, principles and habits which were dear to the vast majority of Englishmen.

Difficulties of Henry VIII.

Amidst these warring elements, Henry felt it to be his duty to keep the peace. He sent to the scaffold those who maintained the authority of the Pope, and who, by so doing, assailed the national independence. He sent to the stake those who preached new doctrines, and, by so doing, assailed the national unity. The work was done

His treatment of religious parties.

roughly and clumsily ; oaths were tendered which never should have been tendered, and blood was shed which never should have been shed. With some higher motives was mingled the greed which marked out as booty the broad abbey lands, which were divided between Henry and his court. But Henry's strength was, in the main, the result of his representative character. The great mass of his subjects disliked foreign interference as much as they disliked Protestant opinions. Toleration was impossible, not merely because the suppression of heresy had long been held to be the bounden duty of all who exercised authority, but because there was every reason to believe that if new opinions were allowed to take root, and to acquire strength, those who held them would at once begin to persecute the vanquished followers of the old creed.

Henry a representative ruler.

Toleration impossible.

Henry's resolute action doubtless did much to steady the current of change, but he could not stay it. Causes beyond the control of any human being were propelling the nation forwards. The reaction against the medieval system of thought could not be checked. When Henry died, that reaction came in as a flood. In the first, and still more in the second, Prayer-Book of Edward VI., the two tendencies of the age met. The individuality of religion was guided by the critical spirit of the new learning. It was not to be expected that such work could be carried on without giving offence. The majority of Englishmen looked on with alarm when images were torn down in the churches, and when prayers which knew nothing of the sacrifice of the mass were read in English. The selfishness and corruption of those who governed in Edward's name did the rest ; and when Edward died, Mary was welcomed as a restorer of a popular Church, and of honest government.

1547–1553. Edward VI.

Five years after Mary's accession the nation had grown weary of the yoke to which it had again submitted. By her marriage with Philip she offended the national feeling of the country. By threatening to resume the abbey lands she terrified the men who had made their fortunes by the Reformation. Above all, the sufferings of the

1553–1558. Reign of Mary.

martyrs warmed the hearts of the people into admiration for a faith which was so nobly attested. The seeds which had been sown by the Protestants during their brief season of prosperity in Edward's reign were beginning to spring up into life. Patriotism, selfishness, humanity, and religious faith combined to foster the rising disgust which threatened to shake the throne of Mary, and which at last found its expression in the shout of triumphant joy which greeted the accession of her sister.

Soon after Elizabeth ascended the throne the second Prayer Book of Edward VI. was, with some not unimportant amendments, declared to be the only form of prayer to be used in churches. Opinion, it was announced, was to be practically free; but all must go to church, and the exercise of the Roman Catholic worship was rigidly suppressed.[1] The Queen had no wish to deal hardly with those who remained steadfast in the religion of their fathers, and she trusted to time and the dying out of the old generation to make the whole nation unanimous in accepting the new worship. She herself took no interest in theological reasoning, and she miscalculated the power which it still exercised in the world.

1558–1603. Elizabeth suppresses the Roman Catholic worship.

It was not long before conspiracies broke out within the realm, and from without the tidings came that the Pope had excommunicated the Queen, and had absolved her subjects from their allegiance. In the background appeared Philip of Spain, the champion of the Holy See. For us, who know the issue of the conflict, it is almost impossible to realise the feeling of dismay with which that mighty potentate was regarded by the greatest of the Powers of Europe. There did not exist a nation which was not overawed by the extent of his territories. By means of Naples and the Milanese he held Italy in a grasp of iron. Franche Comté

Conspiracies supported by the Pope and the King of Spain.

[1] The best defence of Elizabeth's treatment of the Catholics is to be found in Bacon's tract, *In felicem memoriam Elizabethæ* (Works, vi. 298). It must, of course, be received with some allowance; but it is remarkable as proceeding from a man who was himself inclined to toleration, and written after all motives for flattering the Queen had ceased to exist.

and the Low Countries served him to keep both France and Germany in check. The great mercantile cities of Flanders—the Manchesters and Liverpools of the sixteenth century—paid him tribute. His hereditary dominions furnished him with the finest infantry which had been seen in Europe since the dissolution of the Roman Empire. Whatever life and intellectual vigour still remained in Italy was put forth in furnishing officers for armies which fought in causes that were not her own, and those officers were at the disposal of the King of Spain. Nor was his power, like that of Napoleon, limited by the shore. His fleet had won the victory which checked the Turkish navy at Lepanto. The New World was, as yet, all his own ; and, as soon as Portugal had been added to his dominions, all that that age knew of maritime enterprise and naval prowess was undertaken under the flag of Spain. Great as his power was in reality, it was far greater to the imagination. It is no wonder that the English people, when they found themselves exposed to the attacks of such an adversary, gradually forgot those new principles of partial toleration which had not yet settled deeply into the national mind. The doctrine put forth at the accession of Elizabeth was, that conscience was free, although the public exercise of any other than the established religion was to be suppressed. Unsatisfactory as this was, it was yet an immense advance upon the opinions which had prevailed thirty years before. By degrees, however, the Government and the Parliament alike receded from this position. As early as in 1563 an Act was passed by which the bishops were empowered to tender the oath of supremacy, not only to persons holding Church preferment or official positions in the State, but to large bodies of men ; and it was enacted that all who refused the oath should be visited with severe penalties.

England is threatened by the vast powers in the hands of Philip II.

The growing respect for toleration gives way.

The position of Elizabeth was still further complicated by the untoward occurrence of the flight of Mary Stuart into England. She did not come, as has been often imagined, as a humble suppliant in search of a refuge from her enemies. She came breathing vengeance upon the

Mary Stuart in England.

nation by which she had been deposed, and demanding either an English army to replace her on the throne, or permission to seek similar assistance from the King of France. Elizabeth hesitated long. She could not, even if she had wished it, grant her the assistance of an English force; and to look on while she was being restored by a French army was equally impossible in the condition in which European politics were at the time. With Mary's claims to the English crown, a French conquest of Scotland would only have been the precursor of a French attempt to conquer England.

Her imprisonment and execution.

After long deliberation, Elizabeth chose the alternative which for the time seemed to be most prudent. She must have come at last to doubt the wisdom of her decision. While Mary was lying within the walls of an English prison, her name became a tower of strength to the Papal party throughout Europe. The tale of her life, told as it was in every Catholic society, was listened to as if it had been one of the legends of the Saints. Every tear she dropped put a sword into the hands of the Pope and the Spaniard. There was not a romantic youth in Catholic Europe who did not cherish the hope of becoming the chosen instrument by whose hands deliverance might reach the victim of heretical tyranny. Jesuits and missionary priests swarmed over from the Continent, and whispered hopes of victory in the ears of their disciples. Incessant attempts were made to assassinate Elizabeth. At last the end drew near; the only end which could well have come of it. Louder and louder the voice of England rose, demanding that the witch who had seduced so many hearts should not be suffered to live. After a long struggle, Elizabeth gave way. The deed was done which none of those had contemplated who, nineteen years before, had joined in recommending the detention of the Scottish Queen, although it was only the logical consequence of that fatal error.

Ill-treatment of the Catholics.

If the Government and people of England dealt thus with Mary herself, they were not likely to treat with mildness the supporters of her claims. Act after Act was passed, each harsher than the last, against priests who should attempt to reconcile any subject of the Queen to the

See of Rome, or should even be found engaged in the celebration of mass. The laity were visited with fines, and were frequently subjected to imprisonment. Harsh as these proceedings were, the mere fact that it was thought necessary to justify them shows the change which had taken place since Henry VIII. was upon the throne. Neither the arguments put forward by the Government, nor those by which they were answered, were by any means satisfactory. We shake our heads incredulously when we hear a priest from Douai urging that he was merely a poor missionary, that he was a loyal subject to the Queen, and that, if success attended his undertaking, it would be followed by no political change.[1] We are no less incredulous when we hear Burghley asserting that the Government contented itself with punishing treason, and that no religious question was involved in the dispute.

The old entanglement between the temporal and the spiritual powers was far too involved to be set loose by argument.[2] Such questions can be decided by the sword alone. The nation was in no mood to listen to scholastic disputations. Every year which passed by swept away some of the old generation which had learnt in its infancy to worship at the Catholic altars. Every threat uttered by a Spanish ambassador rallied to the national government hundreds who, in quieter times, would have looked with little satisfaction on the changed ceremonies of the Elizabethan Church. With stern confidence in their cause and in their leaders, the English people prepared for the struggle which awaited them. Leagued with the rising republic of the United Netherlands, they bade defiance to Philip and all his power. At last the storm which had been for so many years gathering on

The Armada.

[1] In the letters of the priests amongst the *Roman Transcripts in the R.O.*, written in the beginning of James's reign, Elizabeth is usually styled the 'Pseudo-Regina.'

[2] Bacon speaks of 'matters of religion and the Church, which in these times by the confused use of both swords are become so intermixed with considerations of estate, as most of the counsels of sovereign princes or republics depend upon them.'—*The Beginning of the History of Great Britain.* Works, vi. 276.

the horizon burst upon the English Channel. When the smoke of battle cleared away England was still unharmed, riding at anchor safely amidst the swelling billows.

Effects of the conflict.

As long as the great struggle lasted it could not but exercise a powerful influence upon the mental growth of those who witnessed it. On the one hand it favoured the growth of national consciousness, of the habit of idealising English institutions, and above all of the great Queen who was loved and reverenced as an impersonation of those institutions. On the other hand it drove those in whom the religious element predominated to accentuate the differences which separated them far more than they would have done in time of peace. The Catholic whose zeal had been stirred up by the new missionaries was far more hostile to Protestantism, and to the Government which supported Protestantism, than his father had been in the generation before him. The Protestant caught eagerly at doctrines diametrically opposed to those which found favour at Rome. He opposed principle to principle, discipline to discipline, infallibility to infallibility.

The Calvinistic system

If, by the doctrine of justification by faith, Luther had expressed the central thought of Protestantism, it was reserved to Calvin to systematise the Protestant teaching and to organise the Protestant Church.

compared with the asceticism of the Middle Ages.

It was well that discipline was possible in the Protestant ranks. The contest which was approaching called for a faith which was formed of sterner stuff than that of which Lutheranism was made. It was necessary that the ideas of self-restraint and of self-denial should again resume their prominence. There is in many respects a close resemblance between the Calvinistic system and that of the medieval Church. Both were characterised by a stern dislike to even innocent pleasures, and by a tendency to interfere with even the minute details of life. The law of God, to which they called upon men to conform, was regarded by both rather as a commandment forbidding what is evil than as a living harmony of infinite varieties. The form of Church government which was adopted in either system was regarded

as not only of Divine institution, but as being the one mould in which every Christian Church should be cast. But here the resemblance ended. The pious Catholic regarded close communion with God as the final object of his life, after he had been delivered from all selfish passions by strict obedience to external laws and by the performance of acts commanded by an external authority. The pious Calvinist regarded this communion as already attained by the immediate action of the Holy Spirit upon his heart. The course of the former led him from the material to the spiritual. The course of the latter led him from the spiritual to the material. One result of this difference was that the Calvinist was far more independent than the Catholic of all outward observances, and of all assistance from his fellow-men. He stood, as it were, alone with his God. He lived 'ever in his Great Taskmaster's eye.' His doctrine of predestination was the strong expression of his belief that the will of God ruled supreme amidst the changes and chances of the world. His doctrine of the Atonement was replete with his faith, that it is only by an act of God that the world can be restored to order. His doctrine of conversion was the form in which he clothed his assurance that it was only when God Himself came and took up His abode in his heart that he could do His will. There was that in these men which could not be conquered. They were not engaged in working out their own salvation; they were God's chosen children. In their hands they had the Word of God, and, next to that, they had His oracles written in their own hearts. They were liable to mistakes, no doubt, like other men, and in all good faith they complained of the corruption of their hearts; but it was not wonderful that in all critical conjunctures they fancied themselves infallible, because they imagined that their own thoughts were signs to them of the voice of God. If He were for them, who could be against them? Anchored on the Rock of Ages, they could safely bid defiance to all the menaces of the Pope and to all the armies of the mightiest potentates of Europe.

When Elizabeth ascended the throne, the Calvinistic system

of belief had penetrated with more or less completeness into the minds of the great majority of English Protestants. It owed its success in part to the circumstance that, during the Marian persecution, so many of the English Protestants had come under the influence of the leading minds of the countries in which they passed the time of their exile; but still more to its logical completeness, and to the direct antagonism in which it stood to the doctrines of the Roman Church.

It is favourably received in England at Elizabeth's accession.

As a system of belief, therefore, Calvinism had gained a footing in England. Its system of Church government, and its mode of carrying on the public worship of the congregation, were likely to meet with more opposition. The English Reformation had been carried out under the control of the lay authorities. Such a Reformation was not likely to be conducted according to strict logical rules. Feelings and prejudices which could not be recognised by a thinker in his study necessarily had a large share in the work which had been done. The Calvinistic Reformation, on the other hand, was, above all things, a clerical Reformation. During the greater part of the sixteenth century the thought of Europe was to be found, almost exclusively, in the ranks of the Protestant clergy, and by far the greater part of the Protestant clergy grouped themselves instinctively round the banner of Calvin, the most severe and logical thinker of them all.

The first difference was caused by the revival of the Vestiarian Controversy, as it was called, which had already given rise to much confusion during the reign of Edward VI. The vestments which were finally adopted by the Church of England, together with certain other ceremonies, displeased the Calvinistic ministers, not only as relics of Popery, but also as bringing ideas before their minds which were incompatible with the logical perfection of their system. They believed that the operations of Divine grace, so far as they were carried on through human agency at all, were attached to the action either of the written Word or of the preaching of the Gospel upon the mind To imagine that the heart could be influenced by outward forms and ceremonies,

The Vestiarian Controversy.

or that the spirit could be reached through the bodily organs, was an idea which they were unable to grasp.[1]

The laity, on the other hand, as a body, did not trouble themselves to consider whether or not such things fitted into the religious theory which they had adopted. Certain ceremonies and certain vestments had been abolished because they were understood to be connected with imposture or falsehood. But they were unable to comprehend why a man could not wear a surplice because he believed the doctrines of predestination and justification by faith, or why he could not reverently kneel during the administration of the Communion because he was certain that that which he took from the hands of the minister had not ceased to be veritable bread and wine.

With all these feelings Elizabeth was inclined to sympathise. Herself fond of outward pomp and show, she would have been glad to see in use rather more of the old forms than those which she found it advisable to retain. But there were grave reasons which justified her during the earlier years of her reign, in her opposition to those who clamoured for a simpler ritual. The great mass of the clergy themselves were at heart opposed to Protestantism. Of the laity, a very large number looked coldly even upon moderate deviations from the forms to which, excepting for a few years, they had been so long accustomed. Even those who, from horror at the excesses of Mary, sympathised with

Elizabeth decides against the Nonconformists.

[1] Of course they could not reject the two sacraments, but they connected them with preaching as much as possible. In the Scottish Confession of Faith of 1560 we find: "That sacraments be rightly ministrate we judge two things requisite; the one, that they be ministrate by lawful ministers, whom we affirm to be only those that are appointed to the preaching of the word, into whose mouth God hath put some sermon of exhortation," &c. (Art. xxii.) On the other hand, their hatred of formality made them say: "We utterly condemn the vanity of those that affirm sacraments to be nothing else but naked and bare signs" (Art. xxi.) Bacon remarked the prevalence of the same idea amongst the English Puritans: "They have made it almost of the essence of the sacrament of the supper to have a sermon precedent."—Bacon on the Controversies of the Church, *Letters and Life*, i. 93.

the overthrow of priestly domination, were by no means inclined to part with the decent forms and reverent ceremonies which remained. If Elizabeth had carried out the Reformation in the spirit of Cartwright and Humphreys, many years would hardly have passed before the House of Commons would have been found supporting the principles which had been maintained by Gardiner and Bonner in her father's reign. What the tendency of those principles was, England had learned only too well by a bitter experience.

It speaks volumes in favour of the conciliatory effects of English institutions that Elizabeth was able to find amongst the Calvinist clergy men who would assist her as bishops in carrying out the settlement upon which she had determined. They would themselves have preferred to see alterations made to which she was unwilling to assent, but they were ready to give up points which they judged to be comparatively unimportant, rather than to put the fortunes of Protestantism itself in jeopardy. If, so late as in 1571, Archbishop Parker had to write that 'the most part of the subjects of the Queen's Highness disliketh the common bread for the sacrament,'[1] we may be sure that any general attempt to adopt the simple forms of the Genevan ritual would have met with similar disfavour. Even if Elizabeth had been inclined to try the experiment, she could not have afforded to run the risk. There was, probably, not more than a very little pardonable exaggeration in the words which, in 1559, were addressed by Granvelle to the English Ambassador. "It is strange," he said, "that you believe the world knoweth not your weakness. I demand, what store of captains or men of war have you? What treasure, what furniture for defence? What hold in England able to endure the breath of a cannon for one day? Your men, I confess, are valiant, but without discipline. But, admit you had discipline, what should it avail in division? The people a little removed from London are not of the Queen's religion. The nobles repine at it, and we are not ignorant that of late some of them conspired against her."[2]

[1] *Parker Correspondence*, p. 373. [2] Wright's *Queen Elizabeth*, i. 24.

Strong, however, as the reasons were which urged all prudent men to caution, it is not to be wondered at that there were some of the Calvinistic clergy who refused to give way. Amongst their ranks were to be found some of the most learned men and the ablest preachers in England. To them these trifles were of the utmost importance, because in their eyes they were connected with a great principle. To Elizabeth they were nothing but trifles, and her anger was proportionately excited against those who upon such slight grounds were bringing disunion into the Church, and were troubling her in the great work which she had undertaken.

Some of the clergy resist.

For some years she bore with them, and then demanded obedience, on pain of dismissal from the offices which they held. At the same time she repressed with a strong hand a little company of Nonconformists who held their meetings in a private house, and committed to prison those persons who had been present at these gatherings.

The Queen takes active steps against them.

Those who know what the subsequent history of England was are able to perceive at a glance that she had brought herself into a position which could not be permanently maintained. As yet, however, the hope that all Englishmen would continue to hold the same faith, and to submit to the same ecclesiastical regulations, was still too lively for any earnest men to see with indifference a separation of which none could foretell the end. And, at least until the generation had died out which remembered the enticements of the Roman Catholic ceremonial, it was only with extreme caution, if at all, that the resisting clergy could be allowed to take their places in the different parishes. At a later time the wisest statesmen, with Burghley at their head, were in favour of a gradual relaxation of the bonds which pressed upon the clergy. Excepting perhaps in a few parishes in large towns, the time had not yet come when this could be done with impunity.

It is unnecessary to say that Elizabeth was influenced by other motives in addition to these. She regarded with suspicion all movements which were likely to undermine the power of the Crown. She saw with instinctive jealousy that

opposition might be expected to arise from these men on other questions besides the one which was on the surface at the time. This feeling of dislike was strengthened in her as soon as she discovered that the controversy had assumed a new phase. In her eyes Nonconformity was bad enough, but Presbyterianism was infinitely worse.

Calvinism was, as has been said, a clerical movement; and it was only to be expected that the system of Church government and discipline which Calvin had instituted at Geneva should be regarded with favourable eyes by large numbers of the Protestant clergy. There is not the smallest reason to doubt that these men honestly believed that the government of the Church by presbyters, lay-elders, and deacons was exclusively of Divine appointment. But it cannot be denied that such a system was more likely to find acceptance among them than any other in which a less prominent position had been assigned to themselves. The preacher was the key-stone of Calvin's ecclesiastical edifice. Completely freed from any restraint which the authorities of the State might be inclined to place upon him, he was to be supreme in his own congregation. This supremacy he was to obtain, it is true, by the force of eloquence and persuasion combined with the irresistible power of the great truths which it was his privilege to utter. His hearers would choose lay-elders to assist him in maintaining discipline, and in the general superintendence of the congregation, and deacons who were to manage the finances of the Church. But as long as he had the ear of his congregation he stood upon an eminence on which he could hardly be assailed with impunity. Whatever matters involved the interests of more than a single congregation were to be debated in synods, in which, although laymen were allowed to take no inconsiderable share, the influence of the ministers was certain to predominate.

Presbyterian system of Church government.

In Scotland, where this scheme was carried out, there were few obstacles to its success. There the aristocracy who had taken part in the Reformation were satisfied, for the time, with plundering the Church of its property, and were far too backward in civilisation to originate any

Presbyterianism unacceptable in England.

ecclesiastical legislation of their own. As a spiritual and intellectual movement, the Scottish Reformation had been entirely in the hands of the preachers, and it followed as a matter of course, that the system of Church government which was adopted by the nation was that which assigned the principal part to those who were the chief authors of the change. It is true that, in theory, a considerable influence was assigned to the laity in the Presbyterian system; but it was to the laity regarded as members of a congregation, not as members of a State. In the eye of the Presbyterian clergy, the king and the beggar were of equal importance, and ought to be possessed of only equal influence, as soon as they entered the church doors. Noble as this idea was, it may safely be said that this organised ecclesiastical democracy could not flourish upon English soil. England has been Papal, Episcopal, and Liberal; she has shouted by turns for the authority of Rome, for the Royal Supremacy, and for the Rights of Conscience. One thing she has steadily avoided: she has never been, and it may be affirmed without fear of contradiction that she never will be, Presbyterian.

The nation saw at once that the system cut at the root of the cardinal principle of the English Reformation, the subjection of the clergy to the lay courts. The Queen occupied her position as trustee for the laity of England. She expressed the feelings of the great body of her subjects when she refused to assent to a change which would have brought an authority into the realm which would soon have declared itself to be independent of the laws, and which would have been sadly subversive of individual freedom, and of the orderly gradations of society upon which the national constitution rested.

Regarded by Bacon as unfavourable to liberty.

For it is not to be supposed that the Presbyterian clergy in the sixteenth century claimed only those moderate powers which are exercised with general satisfaction in Scotland at the present day. The Genevan discipline was a word of fear in the ears of English laymen. The system which led to its introduction would, in the opinion of many besides Bacon, be 'no less prejudicial to the liberties of private men than to the sove-

reignty of princes,' although it would be 'in first show very popular.'[1]

As a religious belief for individual men, Calvinism was eminently favourable to the progress of liberty. But the Calvinistic clergy, in their creditable zeal for the amelioration of the moral condition of mankind, shared to the full with the national statesmen their ignorance of the limits beyond which force cannot be profitably employed for the correction of evil. Their very sincerity made it more injurious to the true cause of virtue to intrust them with the power of putting into force measures for the repression of vice than it was to leave similar powers in the hands of the statesmen of the day. The thousand feelings by which restraints were laid upon men of the latter class, their prejudices, their weaknesses, and occasionally even their profligacy itself, combined with their practical sagacity in diminishing the extent to which they were willing to punish actions which should never have been punished at all. With the Calvinistic clergy these feelings were totally inoperative. Penetrated with the hatred of vice, and filled with the love of all that was pure and holy, they saw no better way of combating evils which they justly dreaded than by directing against them the whole force of society, in the vain hope of exterminating them by a succession of well-directed blows. Of the distinction between immorality and crime they knew nothing. If they had been true to their own principles they would have remembered that, whenever in cases of immorality they failed to purify by admonition and exhortation the corruption of the heart, they had nothing more to do. If it was contrary to spiritual religion to attract the mind by outward forms, it was far more contrary to it to force the mind by external penalties. By an intelligible inconsistency, they allowed this argument to drop out of sight. They did not, indeed, themselves claim to inflict these punishments; in theory they had drawn the line too distinctly between the spheres of the ecclesiastical and the secular jurisdiction to admit of that. They contented themselves with pronouncing

Reasons which justify his opinion.

[1] Writing in Walsingham's name, Bacon's *Letters and Life*, i. 100.

excommunication against offenders. But in their hands excommunication was not merely the merciful prohibition of the partaking of a Christian sacrament; it carried with it the exposure of the guilty person to an intolerable isolation amongst his fellows, and it finally necessitated a public and degrading ceremonial before he could again be received into favour.

They went further still. The penalties which they shrunk from inflicting themselves, should be, in their opinion, carried into execution by the civil power. Once more offenders were to be delivered to the secular arm. The Scottish second Book of Discipline distinctly enumerates among the functions of the civil magistrate the duty of asserting and maintaining 'the discipline of the kirk,' and 'of punishing them civilly that will not obey the censure of the same,' though it takes care to add, that this is to be done 'without confounding always the one jurisdiction with the other.'[1] The same opinion was expressed by Cartwright, the leader of the English Presbyterians, when he urged that 'the civil magistrate' would do well to provide 'some sharp punishment for those that contemn the censure and discipline of the Church.'[2]

Assistance of the civil magistrate expected to maintain discipline.

A reservation was expressed of the rights of the civil authorities. But it is plain that Cartwright and his friends regarded it as the duty of the authorities to inflict punishment on those who resisted the decrees of the Church, without assigning to them any right of revising those decrees. It was also possible, that when the civil powers refused to put their decisions in execution, the ministers might think themselves justified in stirring up a democratic resistance against a system of government which received the approval of the wiser and more practical portion of the laity.

In taking her stand, as she did, against the abolition of Episcopacy, Elizabeth was on the whole acting on behalf of the liberty of her subjects. The simple expedient of allowing the Presbyterians to introduce their system wherever they could find congregations who would voluntarily submit to the disci-

[1] Chap. x. [2] *Second Admonition to Parliament*, p. 49.

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pline, on condition of their renunciation of all the emoluments and privileges of their former position, would have been as repulsive to the ministers themselves, as it certainly was to the Queen. They asked for no position which was to be held on sufferance ; their claim was, that their system was directly commanded by the Word of God, and that, without grievous sin, not a moment could be lost in delivering the whole Church of England into their hands.

English Episcopacy.

At all costs, if England was not to be thrown into confusion from one end to the other, some measures must be taken by which such consequences might be averted, and the only contrivance that presented itself to the mind of the Queen was the maintenance of the Episcopal Constitution. Episcopacy was indeed looked upon in a very different light from that in which it had been regarded in the days of Becket, and from that in which it was afterwards regarded in the days of Laud. To all outward appearance, the position of the Bishops in the Church of England was the same as that which they occupied in the following century. The same forms were observed in their consecration : the functions which they were called on to fulfil were identical with those which devolved upon their successors. But whereas in the seventeenth century they were looked upon as the heads of an ecclesiastical system in alliance with the King, in the sixteenth century they were mainly regarded as forming the principal part of the machinery by which the clergy were kept in subordination to the State. The powers vested in the Crown by the Acts of the first Parliament of Elizabeth were sufficient to keep the Church down with a strong hand ; but it was thought desirable, if possible, to keep the clergy in order by means of members of their own body. It is no wonder that the Bishops, who were regarded by statesmen as guarantees of peace and order, were looked upon by Presbyterians as traitors to the cause of Christ and of the Church. All this obloquy they were ready to endure in order to save the nation from falling away once more to the Pope. Many of them were probably careless whether the Church was to be governed by bishops or by presbyters ; almost all of them were ready to agree with those who

urged the modification of the ceremonies. But they saw in the state of public feeling enough to make them distrust extreme measures, and, at the risk of being considered faithless to the cause which they had most at heart, they offered their services to the Queen.

The cardinal principle of the English Reformation from a political point of view, is the doctrine of the Royal Supremacy.

The Royal Supremacy.

If we regard the Sovereign as the representative of the State, the declaration that he is supreme over all persons and all causes, ecclesiastical as well as civil, may be justly spoken of as one of the corner-stones of the liberties of England. It meant, that there should be no escape from submission to the law of the land, and that justice alone, and not privilege, was to rule the relations which existed between the clergy and the people. It was only by a slow process, however, that the nation could learn what justice really was, and it was not at a moment when the Queen was bent upon her great task of smoothing away differences amongst supporters of the national cause, that she would be likely to look with favour upon those whose principles threatened to rend the country asunder, and perhaps to embark it upon such a civil war as was at that time desolating France. We may sympathise with Elizabeth, provided that we sympathise also with those who defied her by raising the standard of the rights of conscience, and who refused to allow their religious convictions to be moulded by considerations of political expediency.

It was inevitable that strife, and not peace, should be the ultimate result of what Elizabeth had done. When Cartwright, at that time Professor of Divinity in the University of Cambridge, stood forth to defend the Presbyterian government, he was met by Whitgift with the argument that there was no reason to imagine that the forms of Church government were prescribed in the Scriptures. Christ, he said, having left that government uncertain, it might vary according to the requirements of the time. He then proceeded to argue that the existing constitution of the Church of England was most suitable to the country in the reign of Elizabeth.

Whitgift's argument against Cartwright.

It might be supposed that a principle such as that announced

by Whitgift would have inspired the men who held it with conciliatory sentiments. This, unfortunately, was not the case. Whitgift and those who thought with him seemed to regard their opponents as enemies to be crushed, rather than as friends whose misdirected energies were to be turned into some beneficial channel. Even the good and gentle Grindal had no other remedy for Presbyterianism than to send half a dozen of its most attached disciples to the common gaol at Cambridge, and another half-dozen to the same destination at Oxford.

Grindal, Archbishop of Canterbury.

But if Grindal forgot himself for a moment, he was soon able to vindicate his claim to respect as the occupant of the highest seat in the English Church. In one of the gravest crises through which that Church ever passed he stood forth as her champion, under circumstances of peculiar difficulty and danger. It was plain that the energies of the Government could not long continue to be occupied with merely repressive means, without serious detriment to the Church, the interest of which those measures were intended to protect. It was all very well to enact rules for the regulation of questions in dispute; but unless the conforming clergy could put forth some of the energy and ability which were to be found on the opposite side, the Bishops and their regulations would, sooner or later, disappear together. The Bishops themselves were not in fault. They had long grieved over the condition of the clergy. In most parishes, the very men who had sung mass in the days of Mary now remained to read the service from the Book of Common Prayer. The livings were generally so small that they offered no inducement to anyone to accept them who was above a very humble station in life. It was well if the incumbents could blunder through the prescribed forms, and could occasionally read a homily.

Low condition of the clergy.

The consequence of this state of things was, that whilst churches where sermons were preached were crowded, those where they were not were deserted.[1] The only hope of a better state of things lay in the prospect of obtaining the services of

[1] Hooker, *Eccl. Pol.*, v. xxii. 16.

the young men of ability and zeal who were growing up to manhood in the Universities. But such men were generally found among the Puritans, as the Nonconformists and the Presbyterians began to be alike called in derision. Unless some means were employed to attract such men to the existing order, the cause which Elizabeth had done so much to sustain was inevitably lost.

About the time that the Presbyterian controversy was at its height, an attempt was made at Northampton to introduce a more vigorous life into the Church. The incumbent of the parish, in agreement with the mayor of the town, organised an association for religious purposes. Many of their regulations were extremely valuable, but they allowed themselves to inquire too closely into the private conduct of the parishioners, and the mayor even lent his authority to a house-to-house visitation, for the purpose of censuring those who had absented themselves from the communion. Together with these proceedings, which may well have been regarded as inquisitorial, sprang up certain meetings, which were termed Prophesyings. These exercises, which, in some respects resembled the clerical meetings of the present day, were held for the purpose of discussing theological and religious subjects, and were regarded as a means by which unpractised speakers might be trained for the delivery of sermons. Care was to be taken that the meeting did not degenerate into a debating society.

Proceedings at Northampton.

The Prophesyings.

These Prophesyings spread like wildfire over the kingdom. They were too well fitted to meet the wants of the time not to become rapidly popular. Abuses crept in, as they always will in such movements; but, on the whole, the effect was for good—men who had before been unable to preach, acquired a facility of expression. The lukewarm were stirred up, and the backward encouraged, by intercourse with their more active brethren. Ten Bishops, with the Archbishop of Canterbury, the venerable Grindal himself at their head, encouraged these proceedings, which, as they fondly hoped, would restore life and energy to a

The Prophesyings are generally adopted with good effect.

Church which was rapidly stiffening into a mere piece of state machinery.

The Archbishop drew up rules by which the abuses which had occurred might be obviated for the future. The meetings were to be held only under the direction of the Bishop of the diocese, by whom the moderator was to be appointed. The Bishop was to select the subject for discussion, and without his permission no one was to be allowed to speak. This permission was never, on any account, to be accorded to any layman, or to any deprived or suspended minister. Any person attacking the institutions of the Church was to be reported to the Bishop, and forbidden to take part in the exercises on any future occasion.

Grindal draws up rules to prevent abuses.

Under such regulations these meetings deserved to prosper. They were undoubtedly, as Bacon long afterwards said, when he urged their resumption, 'the best way to frame and train up preachers to handle the Word of God as it ought to be handled.'[1]

Unfortunately for herself and for England, the Queen looked upon these proceedings from a totally opposite point of view. She had sagacity enough to leave unnoticed opinions which differed from her own, provided they would be content to remain in obscurity, and were not paraded before the eye of the public; but for the clash of free speech and free action she entertained feelings of the deepest antipathy. Even preaching itself she regarded with dislike. Very carefully chosen persons from amongst the clergy, on rare occasions, might be allowed to indulge a select audience with the luxury of a sermon; but, in ordinary circumstances, it would be quite enough if one of the Homilies, published by authority, were read in the hearing of the congregation. There would be no fear of any heretical notions entering into the minds of men who, from one year's end to another, never listened to anything but those faultless

Elizabeth regards these meetings with suspicion.

Her dislike of preaching.

[1] *Certain Considerations for the better Establishment of the Church of England.*

compositions. If two preachers were to be found in a county, it was enough and to spare.

With such opinions on the subject of preaching, she at once took fright when she heard what was going on in different parts of the kingdom. She determined to put a stop to the Prophesyings. Like an anxious mother, who is desirous that her child should learn to walk, but is afraid to allow it to put its foot to the ground, she conjured up before her imagination the overthrow of authority which would ensue if these proceedings were allowed. She issued a letter to the Bishops, commanding them to suppress the Prophesyings.

She takes fright, and orders the suppression of the Prophesyings.

In spite of the storm which was evidently rising, the brave old Archbishop took his stand manfully in opposition to the Queen. Firmly, but respectfully, he laid before her, in its true colours, a picture of the mischief she was doing. He begged her to think again before she committed an act which would be the certain ruin of the Church. As for himself, he would never give his consent to that which he believed to be injurious to the progress of the Gospel. If the Queen chose to deprive him of his archbishopric, he would cheerfully submit, but he would never take part in sending out any injunction for the suppression of the Prophesyings.

Grindal protests,

Grindal's remonstrances were unavailing. He himself was suspended from his functions, and died in deep disgrace. The Prophesyings were put down, and all hope of bringing the waters of that free Protestantism which was rapidly becoming the belief of so many thoughtful Englishmen, to flow within the channels of Episcopacy was, for the present, at an end.

and is suspended.

In 1571, shortly before the commencement of the Prophesyings, the House of Commons stepped into the arena. Twelve years had done much to change the feelings of the laity. Old men had dropped into the grave, and it was to the aged especially that Protestantism had been found distasteful. The country gentlemen, of whom the House was almost entirely composed, if they adopted Protestant opinions at all, could hardly find any living

The House of Commons takes part in the controversy.

belief in England other than the Calvinism which was accepted by the ablest and most active amongst the clergy. The Queen's regulations were, after all, a mere lifeless body, into which the spirit of religious faith had yet to be breathed. The struggle against Rome, too, was daily assuming the proportions of a national conflict. Men, who in ordinary times would have taken little interest in the dislike of some of the clergy to use certain forms, were ready to show them favour when they were declaiming against the adoption of the rags of an anti-national Church. Nor was the growing feeling of dissatisfaction with the restraint put upon personal liberty by the Government, adverse to the claims of the ministers as long as they were on the persecuted side; although the same feeling would have undoubtedly manifested itself on the side of the Crown, if Cartwright had ever succeeded in putting the Presbyterian system in operation.

Bills were accordingly brought in for amending the Prayer Book, and for retrenching in some degree the administrative powers of the Archbishop of Canterbury. But the most remarkable monument of the temper of the House was an Act,[1] which was often appealed to in later times, in which confirmation was given to the Thirty-nine Articles. It was enacted that all ministers should be compelled to subscribe to those articles only which concerned the Christian faith and the doctrine of the Sacraments. By the insertion of the word 'only,' the House of Commons meant it to be understood that no signature was to be required to the Articles which related to points of discipline and Church government.

Thus a breach was opened between the two greatest powers known to the constitution, never to be again closed till the monarchy had itself disappeared for a time in the waters of the conflict. The English Reformation was, as has been said, the work of the laity of England, headed by the Sovereign. The House of Commons now threatened to go one way, while the Queen was determined to go another. No doubt, the pro-

Breach between the Crown and the Commons on the ecclesiastical question.

[1] 13 Eliz. cap. 12.

posals of the Lower House could not always have been accepted without important modifications. There were portions of society which found a truer representation in the Queen than in the House of Commons. During the greater part of Elizabeth's reign, the House of Commons was by no means the representative body which it afterwards became. Every member was compelled to take the oath of supremacy, and a large number of the gentry refused to sit at Westminster on such terms. If the liberty which the Commons required for the clergy had been granted, it would have been necessary to devise new guarantees, in order that the incumbent of a parish should not abuse his position by performing the duties of his office in such a manner as to offend his parishioners. In proportion as the checks imposed by the Government were diminished, it would have been necessary to devise fresh checks, to proceed from the congregation, whilst the Government retained in its hands that general supervision which would effectually hinder the oppression of individuals by a minister supported by a majority of his parishioners.

With a little moderation on both sides, such a scheme might possibly have been resolved upon. But it was not so to be. Elizabeth has a thousand titles to our gratitude, but it should never be forgotten that she left, as a legacy to her successor, an ecclesiastical system which, unless its downward course were arrested by consummate wisdom, threatened to divide the nation into two hostile camps, and to leave England, even after necessity had compelled the rivals to accept conditions of peace, a prey to theological rancour and sectarian hatred.

Evil consequences of Elizabeth's determination.

Matters could not long remain as they were; unless the Queen was prepared to make concessions, she must, of necessity, have recourse to sterner measures. On the death of Grindal, in 1583, she looked about for a successor who would unflinchingly carry her views into execution. Such a man she found in John Whitgift, the old opponent of Cartwright. Honest and well-intentioned, but narrow-minded to an almost incredible degree, the one thought which filled his mind was the hope of bringing the ministers of

She appoints Whitgift as Grindal's successor.

the Church of England at least to an outward uniformity. He was unable to comprehend the scruples felt by sincere and pious men. A stop was to be put to the irregularities which prevailed, not because they were inconsistent with sound doctrine, or with the practical usefulness of the Church, but because they were disorderly. He aimed at making the Church of England a rival to the Church of Rome, distinct in her faith, but equalling her in obedience to authority and in uniformity of worship.

In order to carry these views into execution, the machinery of the Court of High Commission was called into existence.

Formation of the High Commission Court.

Several temporary commissions had, at various times, been appointed by virtue of the Act of Supremacy, but these powers were all limited in comparison with those assigned to the permanent tribunal which was now to be erected. The Parliament which had, four and twenty years before, passed the Act under which the Court claimed to sit, would have shrunk back with horror if it had foreseen the use which was to be made of the powers entrusted by them to the Queen for a very different purpose ; and, since the accession of Elizabeth, opinion had undergone considerable changes, in a direction adverse to the principles which were upheld by the new Archbishop.

The Commission consisted of forty-four persons, of whom twelve were to be Bishops. Its powers were enormous, and united both those forms of oppression which were repulsive to all moderate Englishmen. It managed to combine the arbitrary tendencies by which the lay courts were at that time infected with the inquisitorial character of an ecclesiastical tribunal. The new Court succeeded in loading itself with the burden of the dislike which was felt against oppression in either form. In two points alone it was distinguished from the Inquisition of Southern Europe. It was incompetent to inflict the punishment of death, and it was not permitted to extract confessions by means of physical torture.

Still, as the case stood, it was bad enough. The Court was empowered to inquire into all offences against the Acts of Parliament, by which the existing ecclesiastical system had

been established; to punish persons absenting themselves from church; to reform all errors, heresies, and schisms which might lawfully be reformed according to the laws of the realm; to deprive all beneficed clergy who held opinions contrary to the doctrinal articles, and to punish all incests, adulteries, fornications, outrages, misbehaviours, and disorders in marriage, and all grievous offences punishable by the ecclesiastical laws.

Powers of the Court.

The means which were at the disposal of the Commission, for the purpose of arriving at the facts of a case, were even more contrary to the spirit of English law than the extent of its powers. It was, in theory, a principle of our law that no man was bound to accuse himself, it being the business of the Court to prove him guilty if it could; and, although in practice this great principle was really disregarded, especially in cases where the interests of the country or of the Government were at stake, the remembrance of it was certain to revive as soon as it was disregarded by an unpopular tribunal. The Commission, drawing its maxims from the civil and canon law, conducted its proceedings on a totally opposite principle. Its object was to bring to punishment those who were guilty of disobedience to the laws, either in reality, or according to the opinion of the Court. In the same spirit as that by which the ordinary judges were actuated in political cases, the framers of the regulations of the new Court thought more of bringing the guilty to punishment than of saving the innocent. But whilst the judges were forced to content themselves with straining existing forms against unpopular delinquents, the Commission, as a new tribunal, was authorised to settle new forms, in order to bring within its power men who enjoyed the sympathies of their countrymen.

Means of obtaining evidence.

It would have been almost impossible to have constituted an English court without assigning to it the power of arriving at the truth by the ordinary mode, 'the oaths of twelve good and lawful men.' But, homage having been thus done to this time-honoured institution, the Commission proceeded to direct that recourse might be had to witnesses alone, and even that

conviction might be obtained by 'all other ways and means' which could be devised.

The meaning of this vague clause was soon evident to all. The Court began to make use of a method of extracting information from unwilling witnesses, which was known as the *ex-officio* oath. It was an oath tendered to an accused person, that he would give true answers to such questions as might be put to him. He was forced not only to accuse himself, but he was liable to bring into trouble his friends, concerning whom the Court was as yet possessed of no certain information.

Articles drawn up to be presented to all suspected clergymen.

The Archbishop, having thus arranged the constitution of his Court, drew up twenty-four interrogatories of the most inquisitorial description, which he intended to present to all suspected persons among the clergy. They were not confined to inquiries into the public proceedings of the accused, but reached even to his private conversation. If the unhappy man refused to take the oath, he was at once to be deprived of his benefice, and committed to prison for contempt of the Court.

The clergy appeal to the Privy Council.

The unfortunate clergy appealed to the Privy Council. Whitgift was unable to find a single statesman who approved of his proceedings. Burghley, with all the indignation of which his calm and equable temperament was capable, remonstrated against the tyranny of which the Archbishop was guilty. He told him that his own wishes were in favour of maintaining the peace of the Church, but that these proceedings savoured too much of the Romish Inquisition, and were 'rather a device to seek for offenders than to reform any.' But Burghley's remonstrances were in vain. Whitgift was not the man to give way when he had once decided upon his course, and unhappily he received the thorough and steady support of Elizabeth. When even these harsh measures failed to effect their object, recourse was had to the ordinary tribunals, and men were actually sent to execution for writing libels against the Bishops, on the plea that any attack upon the Bishops was an instigation to sedition against the Queen.

It is remarkable that, at the very time when these atrocities

were at their worst, the House of Commons, which had never let slip an opportunity of protesting against the ecclesiastical measures of the Queen, began to grow cool in its defence of the Puritans. This may be attributed in part to the great popularity which Elizabeth enjoyed in consequence of the defeat of the Armada, but still more to the licence which the authors of a series of Puritan libels allowed themselves.

The mar-prelate libels.

Moderate men who were startled by these excesses, were still more disgusted by the spread of what were at that time known as Brownist opinions, from the name of Robert Brown, from whom they had first proceeded. His principles were very much those which were afterwards held by the Independents. His followers considered that every Christian congregation was in itself a complete church, and they denied that either the civil government, or any assembly of clergy, possessed the right of controlling it in its liberty of action. No other body of men had so clear an idea of the spiritual nature of religion, and of the evils which resulted from the dependence of the Church upon the State. Far from being content, like the old Puritans, with demanding either a reformation of the Church, or a relaxation of its laws, the Brownists, or Separatists as they called themselves, were ready to abandon the Church to its fate, and to establish themselves in complete independence of all constituted authorities. If they had stopped here, they would have been unpopular enough. But some of them, at least, goaded by the persecution to which they were exposed, went to far greater lengths than this. Holding that ministers ought to be supported by the voluntary contributions of the people, they too declared that the whole national Church was anti-Christian, and to remain in its communion for an instant was to be guilty of a sin of no common magnitude. From this some of them proceeded to still more offensive declarations. Whilst disclaiming all wish to take the law into their own hands, they called upon the Queen to 'forbid and exterminate all other religions, worship, and ministers within her dominions.'[1] She

Spread of Brownist opinions.

[1] H. Barrow's *Platform.*

ought further, as they said, to seize all the property of the Church, from the wide domain of the Bishop down to the glebe land of the incumbent of a country parish.

Terrified by these opinions, the Presbyterian Cartwright wrote in denunciation of their wickedness. Parliament allowed itself, in 1593, for the first time since the accession of Elizabeth, to pass a statute against Protestants of any kind.

Reaction in favour of the Church system.

The latter years of Elizabeth were quieter than the storms which followed upon the appointment of the High Commission had indicated. Perhaps the sweep which had been made from amongst the clergy had left a smaller number of persons upon whom the Court could exercise its authority; perhaps, also, the dissatisfied, certain that there was no hope of any change of system as long as Elizabeth lived, reserved themselves for the reign of her successor. Such causes, however, whatever their effect may have been, were not in themselves of sufficient importance to account for the undoubted reaction against Puritanism which marked the end of the sixteenth century.

As, one by one, the men who had sustained the Queen at her accession dropped into the grave, a generation arose which, excepting in books of controversy, knew nothing of any religion which differed from that of the Church of England. The ceremonies and vestments which, in the time of their fathers, had been exposed to such bitter attacks, were to them hallowed as having been entwined with their earliest associations. It required a strong effort of the imagination to connect them with the forms of a departed system which they had never witnessed with their eyes; but they remembered that those ceremonies had been used, and those vestments had been worn, by the clergy who had led their prayers during those anxious days when the Armada, yet unconquered, was hovering round the coast, and who had, in their name, and in the name of all true Englishmen, offered the thanksgiving which ascended to heaven after the great victory had been won. By many of them these forms were received with pleasure for their own sake. In every age there will be a

Causes of this reaction.

large class of minds to whom Puritanism is distasteful, not merely because of the restraint which it puts upon the conduct, but because it refuses to take account of a large part of human nature. Directing all its energies against the materialism which followed the breaking up of the medieval system, it forgot to give due weight to the influences which affect the spiritual nature of man through his bodily senses. Those, therefore, to whom comely forms and decent order were attractive, gathered round the institutions which had been established in the Church under the auspices of Elizabeth. In the place of her first Bishops, who were content to admit these institutions as a matter of necessity, a body of prelates grew up, who were ready to defend them for their own sake, and who believed that, at least in their main features, they were framed in accordance with the will of God. Amongst the laity, too, these opinions met with considerable support, especially as the Protestant ranks had been recruited by a new generation of converts, which had in its childhood been trained in the old creed, and thus had never come under the influence of Calvinism. They found expression in the great work of Hooker, from which, in turn, they received no small encouragement.

But whilst the gradual rise of these sentiments reduced the Presbyterians to despair, it soon became plain that the Episcopal party was not of one mind with respect to the course which should be pursued towards the Nonconformists. Hooker, indeed, had maintained that the disputed points being matters which were not ordained by any immutable Divine ordinance, were subject to change from time to time, according to the circumstances of the Church. For the time being, these questions had been settled by the law of the Church of England, to which the Queen, as the head and representative of the nation, had given her assent. With this settlement he was perfectly content, and he advised his opponents to submit to the law which had been thus laid down. Upon looking closely, however, into Hooker's great work, it becomes evident that his conclusions are based upon two distinct arguments, which, although they were blended together in his own mind at some sacrifice of logical

Hooker's 'Ecclesiastical Polity.'

precision, were not likely in future to find favour at the same time with any one class of reasoners. When he argues from Scripture, and from the practice of the early Church, the as yet undeveloped features of Bancroft and Laud are plainly to be discerned. When he proclaims the supremacy of law, and weighs the pretensions of the Puritans in the scales of reason, he shows a mind the thoughts of which are cast in the same mould with those of that great school of thinkers of whom Bacon is the acknowledged head. Hooker's greatness indeed, like the greatness of all those by whom England was ennobled in the Elizabethan age, consisted rather in the entireness of his nature than in the thoroughness with which his particular investigations were carried out. He sees instinctively the unity of truth, and cannot fail to represent it as a living whole. It is this which has made him, far more than others who were his superiors in consistency of thought, to be regarded as the representative man of the Church of England.

Growing feeling in favour of toleration.

It soon appeared that the desire to hold a middle course between the rival ecclesiastical parties was not confined to a few advanced thinkers. There was a large and increasing number of the laity who regarded the problem in Hooker's spirit, though they were dissatisfied with his solution of it. Even men who themselves admired the forms of worship prescribed by the Church, and who felt all Hooker's dislike of Presbyterianism, nevertheless, without any very deep reasoning, came to a precisely opposite conclusion. They were not yet the partisans that their children came to be, and they were more anxious to preserve the unity of the English Church than the forms which were rapidly making that unity impossible. If these ceremonies were only imposed by the law of the land for the sake of uniformity, without its being pretended that they were otherwise than of merely human origin, ought not that law to be relaxed? Everywhere there was a cry for preachers. Whilst bishops and ministers were wrangling about points of mere detail, thousands of their fellow-countrymen were living like heathens. It was to be regretted that so many of those who were capable of preaching should be so scrupulous about

matters of little consequence; but was it necessary, on account of these scruples, to disturb the peace of the Church by the expulsion of those who felt them? Was it well that faithful and pious men who preached the same doctrine as that which was held by their conforming brethren, and whose lives gave at least as good an example as that of any bishop in England, should be cut short in their career of usefulness merely in order that the clergyman who officiated in one parish might not scandalise the sticklers for uniformity by wearing a surplice, whilst the clergyman who officiated in the next parish wore a gown?

Protestantism and the Renaissance.

Hooker's great work had more than a theological significance. It was the sign of the reunion of Protestantism with the new learning of the Renaissance. In the beginning of Elizabeth's reign the current of thought had not filled the forms of the Elizabethan Church. In the end of the reign it was flowing in steadily, basing itself on large enquiry, and on distrust of dogmatic assertion. Religion began to partake of the many-sidedness of the world around it, and Hooker was a worthy peer of Spenser and of Shakespeare.

Those last fifteen years of Elizabeth, in truth, were years in which many opposing elements were being fused together into harmonious co-operation. Those who wish to understand the position which England occupied during these years of our history would do well to place side by side the three great works of the imagination in which three men of genius embalmed the chivalric legends of the Middle Ages.

The 'Orlando Furioso.'

The work of the Italian Ariosto stands distinguished for the distance at which it lies from all contemporary life. The poet of the 'Orlando Furioso' wanders in an ideal realm of courtesy and valour of which the world around him knew nothing. If his Italian readers ever thought of Italy, it could only be to sigh over the downfall of so many hopes.

'Don Quixote.'

Far different is the work of Cervantes. To him the legends which seemed so bright in the eyes of the Italian had become ridiculous. He could see nothing but the absurdity of them. Regarded from this point of view, 'Don Quixote' becomes the saddest book which was ever written.

It is the child mocking at his father's follies, whilst he closes his eyes to his nobleness and his chivalry.

Shortly before the appearance of 'Don Quixote' another book saw the light amongst a very different people. To Spenser, nursed as he had been amongst the glories of the reign of Elizabeth, all that was noble in the old tales of chivalry had become a living reality. The ideal representations of the knights and damsels who pass before our view in his immortal poem, bring into our memory, without an effort, the champions who defended the throne of the virgin Queen. In England no great chasm divided the present from the past. Englishmen were not prepared to find matter for jesting in the tales which had delighted their fathers, and they looked upon their history as an inheritance into which they themselves had entered.

The 'Faëry Queen' the mirror of the Elizabethan age.

Great achievements do not make easy the task of the men who succeed to those by whom they have been accomplished. The work of the Tudors had been to complete the edifice of national independence by nationalising the Church. In the course of the arduous struggle they had claimed and had obtained powers greater than those possessed by any former English kings. The very success which they had attained rendered those powers unnecessary. The institutions established by them had outlived their purpose. The strong vindication of the rights of the State which had been necessary when religious differences threatened civil war, had ceased to be necessary when peace was assured. The prerogative of the Crown would need to be curtailed when it was applied to less important objects than the maintenance of national unity. Yet such changes, desirable in themselves, were not easy to accomplish. The mental habit by which institutions are supported does not readily pass away. As Elizabeth grew old, it was generally felt that great changes were impending.

Difficulties bequeathed by Elizabeth to her successor.

She herself knew that it must be so. The very success of her career must have made it appear to have been almost a failure. Men were everywhere asking for greater relaxation than she had been willing to give to them.

Whatever was to come of it, the next age must take care of itself. Of one thing she felt sure, that no puppet of Spain or of the Jesuits would ever wear the crown of England. "My seat hath been the seat of kings, and I will have no rascal to succeed me," she said, as she lay dying. When she was pressed to explain her meaning, she declared that her wish was that a king should follow her. "And who should that be," she added, "but our cousin of Scotland?" Her last act was to hold her hands over her head in the form of a crown, with the intention, as it was thought, of conveying to the bystanders the impression that she would be followed by one who was already a King.[1] So, early on the morning of March 24, 1603, the great Queen passed away from amongst a people whom she had loved so well, and over whom, according to the measure of human wisdom, she had ruled so wisely.

Elizabeth's death.

Her forebodings were realised. Evil times were at hand. They followed her death, as they had followed the death of her father.

When such sovereigns as the two great Tudors die, it seems as if the saying which the poet has put into the mouth of the crafty Antony were the rule which prevails in the world—

> The evil that men do lives after them;
> The good is oft interred with their bones.

Errors and follies soon produce their accustomed fruits. But when the error has been but the accompaniment of great and noble deeds, the fruit of those deeds is not long in making its way into the world. Henry VIII. must be judged by the great men who supported his daughter's throne, and who defended the land which he set free when 'he broke the bonds of Rome.' Elizabeth must be judged by the Pyms and Cromwells, who, little as she would have approved of their actions, yet owed their strength to the vigour with which she headed the resistance of England against Spanish aggression. She had cleared the way for liberty, though she understood it not.

[1] The fullest and apparently the most authentic account is that published in Disraeli's *Curiosities of Literature* (1849), iii. 364.

CHAPTER II.

CHURCH AND STATE IN SCOTLAND.

WHEN Elizabeth died, one great question was already pressing for solution—the question of the relationship between the national Church and the dissidents on either hand—which was destined to agitate the minds of men as long as Stuart kings reigned in England. It was a question to which the successor of Elizabeth was not altogether a stranger, though his mode of dealing with it in Scotland gave little reason to hope that he would deal successfully with it in England.

1603. The question of toleration.

In many respects the aspect of Scotland in the sixteenth century was the reverse of that of England. The most remarkable feature of Elizabethan England was the harmony which resulted from the interdependence upon one another of the various elements of which the national life was composed. To the north of the Tweed, the same elements for the most part reappeared; but they were seen standing out sharp and clear, in well-defined contrast to one another. The clergy were more distinctly clerical, the boroughs more isolated and self-contained, and, above all, the nobles retained the old turbulence of feudalism which had long ceased to be tolerated in any other country in Europe.

1560–1572. Contrast between England and Scotland.

When the Reformation first passed over Scotland, there was a momentary prospect of a change which might to some extent obliterate the existing distinctions, and give rise to a real national union. Noble and burgher, rich and poor, joined

with the preachers in effecting the overthrow of the medieval Church; and it was by no means the intention of Knox and his fellow-labourers to erect a new hierarchy upon the ruins of the old. According to their theory, there was to be no longer any distinction between the laity and the clergy, excepting so far as the latter were set apart for the performance of peculiar duties. Of the forty-two persons who took their seats in the first General Assembly of the Church of Scotland only six were ministers. Barons and earls were admitted to its consultations without any election at all. So far as the first Reformers had any distinct idea of the nature of the Assembly which they had called into being, they intended it to be a body in which the nation should be represented by those who were its natural leaders, as well as by those who had a closer connection with ecclesiastical affairs.

Knox's views of Church government.

Such a scheme as this, however, was doomed to failure from the first. Here and there might be found individuals amongst the high nobility who gave themselves heart and soul to the Church of the Reformation, but, for the most part, the earls and lords were satisfied as soon as they had gorged themselves with the plunder of the abbey lands. They had no idea of meeting on terms of equality with the humble ministers, and they cared little or nothing for the progress of the Gospel. Nor was it indifference alone which kept these powerful men aloof: they had an instinctive feeling that the system to which they owed their high position was doomed, and that it was from the influence which the preachers were acquiring that immediate danger was to be apprehended to their own position. A great Scottish nobleman, in fact, was a very different personage from the man who was called by a similar title in England. He exercised little less than sovereign authority over his own district. Possessed of the power of life and death within its limits, his vassals looked up to him as the only man to whom they were accountable for their actions. They were ready to follow him into the field at his bidding, and they were seldom long allowed to remain at rest. There was always some quarrel to be engaged in, some neighbouring lord to be attacked, or some hereditary insult to be avenged

Desertion of the Church by the high nobility.

With the physical force which was at the disposal of the aristocracy, the ministers were for the time unable to cope. But they had on their side that energy of life which is certain, sooner or later, to translate itself into power. It was not merely that, with scarcely an exception, all the intellect of Scotland was to be found in their ranks; their true strength lay in the undeviating firmness with which they bore witness for the law of God as the basis of all human action, and the vigorous and self-denying activity with which they called upon all who would listen to them to shake off the bonds of impurity and vice. How was it possible that there should long be agreement between the men whose whole lives were stained with bloodshed and oppression, and the men who were struggling, through good repute and evil repute, to reduce to order the chaos in which they lived, and to make their native country a land of godliness and peace?

Strength of the ministers.

The compromise to which the nobility came with the ministers at Leith, in 1572, was for the aristocracy one of those apparent victories which give a certain presage of future defeat. Sorely against their will, the clergy were driven to consent to the institution of a Protestant Episcopate. The burghs and the lesser gentry were no match for the vassals of the great lords, and they were compelled to give way. But it was not a concession which did any credit to those to whom it had been made. They had not one single thought to spare for the country, or for the Church of whose interests they were thus summarily disposing. All they cared about was the wealth which might be gained by the scheme which they had adopted. The Bishops were to be duly consecrated, not in order that they might take part in that government of the clergy which is assigned to them in Episcopalian churches, but in order that they might have some legal title to hand over the greater part of their revenues to the nobles to whom they owed their sees. From that moment Episcopacy was a doomed institution in Scotland. It was impossible for any man to submit to become a Bishop without losing every remnant of the self-respect which he might originally have possessed. The moral strength which Presbyterianism gained

The Tulchan Bishops.

from this compromise was incalculable. It soon became the earnest belief of all who were truthful and independent in the nation, that the Presbyterian system was the one divinely appointed mode of Church government, from which it was sinful to deviate in the slightest degree. Whatever credit must be given to Andrew Melville for his share in producing this conviction, it is certain that the disreputable spectacle of the new Episcopacy was far more effective than any arguments which he was able to use.

Doctrine of the Divine right of Presbyterianism.

In 1581 the Second Book of Discipline received the approval of the General Assembly. By it the Church pronounced its unqualified acceptance of those Presbyterian institutions which, with some slight modifications, finally overcame all opposition, and have maintained themselves to the present day. During the years which had passed since the introduction of the Reformation, the Assembly was becoming less national, and more distinctly ecclesiastical. Its strength lay in the fact that it represented all that was best and noblest in Scotland, and that its Church Courts gave a political education to the lower and middle classes, which they could never find in the Scottish Parliament. Its weakness lay in the inevitable tendency of such a body to push principles to extremes, and to erect a tyranny over men's consciences in order to compel them to the observance of moral and ecclesiastical laws. The censures of the Church fell heavily as well upon the man who kept away from church on the Lord's Day, as on the loose-liver and the drunkard. Under the eye of the minister of the parish, the kirk-session gathered to inflict penalties on offenders, and in the kirk-session no regard was paid to worldly rank. The noblemen, who disdained to meet pious cobblers and craftsmen on an equal footing, naturally kept aloof from such gatherings.

1581. The Second Book of Discipline

That the Presbyterian assemblies should become political institutions, was probably unavoidable. To them the Calvinistically interpreted Bible was the Divine rule of life. Kings and nobles were to be honoured and obeyed, so far as they conformed to it, and devoted their lives to the carrying out its principles in practice.

Political character of the Assemblies.

If they did not—and of their failure to do so the clergy were to be the sole interpreters—it was the duty of the Church, as in the Middle Ages it had been held to be the duty of the Popes, to withstand them to the face Presbyterianism did not ask merely to be let alone to pursue its spiritual course unhindered, it asked that the authorities of the State should become its instruments for the establishment upon earth of a kingdom as like that of heaven as it was possible to attain to. Of individual liberty, of the manifold luxuriance of human nature, Presbyterianism knew nothing; but it did much to encourage resistance to the arbitrary power of rulers. It set its face like a flint against any assumption of Divine right, except by its own assemblies. It called upon kings to conform their actions to a definite law. If kings were to master it, it could only be by an appeal to a law wider and more consonant to the facts of nature than its own.

It was inevitable that the Scottish Church at the end of the sixteenth century should entangle itself, not merely in questions relating to the enforcement of the ecclesiastical law, but even in strictly political questions. In those days every religious question was also a political one, and the compact organisation of the Scottish Church enabled it to throw no slight weight into the scale. With a wild, defiant feudalism surging around, and an enraged Catholic Europe ready to take advantage of any breach in the defences of Protestantism, the Scottish Church felt that every political movement involved a question of life or death for the nation of which it was in some sort the representative.

If, indeed, the ministers who guided the assemblies, and through them the various congregations, could have had the assurance that their Sovereign was a man whom they could trust, much mischief might have been spared. James VI., indeed had many qualities befitting a ruler in such difficult times. Good-humoured and good-natured, he was honestly desirous of increasing the prosperity of his subjects. His mental powers were of no common order; his memory was good, and his learning, especially on theological points, was by no means contemptible. He was intellectually

Character of James.

tolerant, anxious to be at peace with those whose opinions differed from his own. He was above all things eager to be a reconciler, to make peace where there had been war before, and to draw those to live in harmony who had hitherto glared at one another in mutual defiance. He was penetrated with a strong sense of the evil of fanaticism.

These merits were marred by grave defects. He was too self-confident to give himself the pains to unravel a difficult problem, and had too weak a perception of the proportional value of things to enable him to grasp the important points of a case to the exclusion of those which were merely subsidiary. With a thorough dislike of dogmatism in others, he was himself the most dogmatic of men, and—most fatal of all defects in a ruler—he was ready to conceive the worst of those who stood up against him. He had none of that generosity of temper which leads the natural leaders of the human race to rejoice when they have found a worthy antagonist, nor had he, as Elizabeth had, that intuitive perception of the popular feeling which stood her in such stead during her long career. Warmly affectionate to those with whom he was in daily intercourse, he never attached himself to any man who was truly great. He mistook flattery for devotion, and though his own life was pure, he contrived to surround himself with those of whose habits there was no good report. It was easy for his favourites to abuse his good-nature, provided that they took care not to wound his self-complacency. Whoever would put on an appearance of deference, and would avoid contradicting him on the point on which he happened to have set his heart at the moment, might lead him anywhere.

Position of James.

Unhappily, when James grew up to manhood, he was in the hands of unworthy favourites, who taught him the lesson that the clergy were his true enemies. These favourites were known to be acting under the influence of the French Court, and it was strongly suspected that they were likely to favour the re-establishment of the Papal system by the help of foreign armies. Under such circumstances, the struggle in which the clergy were engaged speedily assumed a new form: it was no longer a question whether the property of the

Church should be simoniacally conveyed away to a few degraded nominees of the nobility: it was a question whether, in the hour of Scotland's danger, free words might be spoken to warn the misguided King of the ruin which he was allowing his favourites to prepare for himself and for his subjects.

James determined to make the ministers feel that force was still on his side. He knew that the greater part of the nobility would concur with pleasure in any measure which served to depress the clergy, and in 1584 he obtained from Parliament the Acts by which the whole government of the Church was placed in the hands of the Bishops.

1584. The restoration of jurisdiction to the Bishops.

For two years the struggle lasted between the King and the clergy, with various fortunes. As the end of that time James could not help perceiving that his opponents were, in some degree, in the right. In 1586 the King of Spain was making preparations for the invasion of England; and if the throne of Elizabeth were overturned, Scotland could hardly hope to escape destruction. James had no wish to become a vassal of Spain and of the Pope, and he entered into a league with England for mutual defence against the enemy by whom both kingdoms were threatened. Such a change of policy naturally removed the principal obstacles to a reconciliation between the King and the clergy, and though it was impossible that any cordial sympathy should spring up between them, that kind of agreement existed which is frequently found between persons of a dissimilar temperament who are united in the pursuit of a common object. In spite of constant bickerings the King, step by step, relaxed his pretensions, and at last, in 1592, gave his consent to an Act by which Presbyterianism was established in its integrity.

1586. James more friendly to the ministers.

It was unlikely that this unanimity would last long. The quarrel, however, sprang up again sooner than might have been expected. Early in 1593 a conspiracy was detected, in which the Earls of Huntly, Errol, and Angus were implicated. Like so many others of the nobility, they had never accepted the Protestant doctrines, and their great power in the north-eastern shires made them

1593. Defeat of the northern earls by James.

almost unassailable. If they had been let alone they would probably have remained contented with their position, caring as little for the King of Spain as they did for the King of Scotland. But the ministers were bent upon the total extirpation of Popery, and the earls were led to place their hopes in a Spanish invasion. Such an invasion would free them from the assaults of a religion which was perhaps quite as unacceptable to them from its political consequences as from the theological doctrines which it propounded. James, when he discovered what was passing, marched at once into the North, and drove the earls headlong out of their domains.

With one voice the clergy cried out for the forfeiture of the lands of the rebels, and for harsh measures against the Catholics. James, on his part, hung back from taking such steps as these. Even if he had the will, it may be doubted whether he had the power to carry out the wishes of the ministers. The nobles who had led their vassals against Huntly and his confederates might be willing enough to render a Spanish invasion impossible, but they would hardly have looked on with complacency at the destruction of these great houses, in which they would have seen a precedent which might afterwards be used against themselves.[1] Nor was the power of the earls themselves such as to be overthrown by a single defeat; every vassal on their broad domains was attached to them by ties far stronger than those which bound him to his Sovereign; and if their land were confiscated, many years would pass before

He hesitates to make full use of his victory.

[1] "I have been the day before the date of these with the King to receive answer in writing according to his promise. He hath deferred the same till my next repair. The effect I know; and it tendeth to satisfy her Majesty with all promise on his part. But he disableth himself of means against the purposes of these great men who have embraced Spanish assistances in so dangerous degree. . . . As for the nobility of this land, they be so interallied, as, notwithstanding the religion they profess, they tolerate the opposite courses of the adverse part, and excuse or cloke the faults committed. The assured party is of the ministers, barons, and burghs. With these the King is bound, as he cannot suddenly change his course apparently. But yet of his secret harkenings by the mediation of them who be in special credit with him he is suspected."—Bowes to Burghley, March 30, 1593, *S. P. Scotl.* I. 47.

the new owners could expect to live in safety without the support of a powerful military force.

It can hardly be supposed, indeed, that James was influenced by no other motives than these. He was probably unwilling to crush a power which served to counterbalance that of the ministers, and he lent a ready ear to the solicitations of the courtiers who were around him. The earls were once more too strong to be put down without another war. At last he declared that they were to receive a full pardon for all that was past, but that they, as well as all other Catholics in Scotland, must either embrace the Protestant faith or leave the kingdom. If they chose the latter alternative they were to be allowed to retain their possessions during their exile.

Such an award as this drew down upon the King the wrath of both parties. The ministers reviled it as over-lenient to Popery, and the Catholics looked upon it as an act of intolerable persecution. Huntly and Errol refused to accept the terms, and succeeded in defeating the troops which were sent against them under the Earl of Argyle. Upon receiving the news of this disaster James once more marched into the north, the ministers having supported him with the money of which he was in need. The success of the Royal arms was immediate. All resistance was crushed at once, and the earls themselves were forced to take refuge on the Continent.

1594. Huntly and Errol driven into exile.

This victory may be considered to be the turning-point of James's reign in Scotland. It established decisively not only that the nation was determined to resist foreign interference, but that the King had now a national force at his disposal which even the greatest of the nobility were unable to resist. The Scottish aristocracy would long be far too powerful for the good of their fellow-countrymen, but they would no longer be able to beard their Sovereign with impunity.

Importance of the King's victory.

In the summer of 1596, Huntly and Errol were once more in Scotland. But this time they did not come to levy war upon the King; they were content to skulk in various hiding-places till they could receive permission to present themselves before him.

1596. Return of Huntly and Errol.

James was not disinclined to listen to their overtures. To drive the earls to the last extremity would be to ruin the work of pacification which he had so successfully accomplished. He had no wish to undertake a crusade in which he would find little assistance from any but the ministers and their supporters, and which would raise against him a feeling in the whole of the North of Scotland which might cause him no little trouble in the event of a contest arising for the English succession. On the other hand, he may well have thought that the earls had now learned that they were no longer capable of measuring themselves against their Sovereign, and that they would in future refrain from any treasonable undertakings.

These views, which were justified by the event, and in which he was supported by the statesmen by whom he was now surrounded, were not likely to find much favour with the clergy. Towards the end of August, a convention of the Estates was held at Falkland to consider what course was to be taken; and certain ministers who, as it is said, were likely to give a favourable reply, were summoned to declare their opinions. Amongst them, Andrew Melville presented himself, uninvited. He was the Presbyterian leader of the day, with a mind narrower than that of Knox, the champion of a system rather than a spiritual guide. He had come, he said, in the name of Christ Jesus the King, and his Church, to charge James and the Estates with favouring the enemies of both. Those who were present paid little heed to such objections as these, and gave it as their opinion, that if the earls would satisfy the King and the Church, it would be well to restore them to their estates.

Convention at Falkland.

Upon hearing what had passed, the Commissioners of the General Assembly, who were appointed to watch over the interests of the Church, during the intervals between the meetings of that body, invited a number of ministers to assemble at Cupar. These ministers, as soon as they had met together, determined to send a deputation to the King. This deputation was admitted to his presence; but when they began to lay their complaints before him, he

Meeting of the ministers at Cupar.

interrupted them by questioning their authority to meet without a warrant from himself. Upon this, Melville, who was one of the deputation, seized him by the sleeve, and calling him 'God's silly vassal,' told him, in tones which must long have rung in his ears, that there were two kings and two kingdoms in Scotland: "There is Christ Jesus the King," he said, "and his kingdom the Church, whose subject King James VI. is, and of whose kingdom not a king, nor a lord, nor a head, but a member. And they whom Christ has called and commanded to watch over his Church, and govern his spiritual kingdom, have sufficient power of him and authority so to do, both together and severally; the which no Christian King nor Prince should control and discharge, but fortify and assist." He concluded by saying that the King's wish to be served by all sorts of men, Jew and Gentile, Papist and Protestant, was devilish and pernicious. He was attempting to balance the Protestants and the Papists, in order that he might keep them both in check. By such a plan as this, he would end by losing both.[1]

Melville and the King.

There was enough of truth in all this to make it tell upon the King. It is highly probable that the scheme which Melville thus dragged out to the light had more to do with his conduct towards the earls than any enlightened views on the subject of toleration. He was now frightened at Melville's vehemence, and promised that nothing should be done for the returned rebels till they had once more left the country, and had satisfied the Church.

On October 20, the Commissioners of the General Assembly met at Edinburgh. They immediately wrote to all the presbyteries in Scotland, informing them that the earls had returned, with the evident purpose of putting down and massacring the followers of the Gospel, and that it was probable that the King would take them under his protection. Under these circumstances, every minister was to make known to his congregation the true nature of the impending danger, and to stir them up to resistance. In the

The Commissioners at Edinburgh.

[1] J. Melville's *Diary*, 368–371.

meanwhile, a permanent Commission was to sit in Edinburgh to consult upon the perils of the Church and kingdom. Such a step might or might not be justifiable in itself, but there could be no doubt that it was an open defiance of the Government. From that moment a breach between the clergy and the Crown was inevitable.[1]

Character of the quarrel between the King and the clergy.

Of all the controversies which still perplex the historical inquirer, there is perhaps none which is more eminently unsatisfactory than that which has been handed down from the sixteenth century on the subject of the quarrel between James and the clergy. It is easy to say that in aspiring to political supremacy the clergy exceeded the proper limits of their office, and that in this particular instance they were animated by a savage spirit of intolerance. It is equally easy to say that they had no reason to repose confidence in James, and that the stopping of their mouths would be a national misfortune, as the freedom of the pulpit furnished the only means by which the arbitrary tendencies of the Sovereign could be kept in check. The fact seems to have been, that whilst the victory either of the King or of the clergy was equally undesirable, it was impossible to suggest a compromise by which the rupture could have been prevented. There was nothing in existence which, like the English House of Commons, could hold the balance even. Partly from the social condition of the country, and partly from the fact that the Scottish Parliament had never been divided into two Houses, that body was a mere instrument in the hands of the King and of the nobility; and if the mouths of the clergy were to be stopped, there remained no means by which the nation could be addressed excepting at the pleasure of the Government.

Weakness of the cause of the clergy.

The weakness of the cause of the ministers lay in this—that they defended on religious grounds what could only be justified as a political necessity. That the General Assembly was in some sort a substitute for a real House of Commons; that the organization of the

[1] *Calderwood*, v. 443.

Church had been invaluable in counteracting the exorbitant power of the nobility and the thoughtless unwisdom of the King; and that the liberty of speech on political subjects which had been preserved in the pulpit had done service for which Scotland can never be sufficiently thankful, are propositions which no candid reader of the history of those times will ever venture to deny. But when the ministers asserted that these things were part of the Divine endowment of the Church, and claimed to maintain their ground in spite of all human ordinances to the contrary, they committed themselves to an assertion which was certain to rouse opposition wherever the institutions of a lay society were regarded with honour.

As the guardian of the interests of lay society James was thoroughly justified in resisting the claim of the clergy to play in Scotland the part of the medieval Papacy. It was some time, however, before he made up his mind that it would be safe to oppose the clergy, and he probably clung to the hope that some amicable arrangement might still be possible. He directed four members of the Privy Council to hold an interview with a deputation of the Commissioners, to declare, in his name, that he would do nothing for the earls or their followers till they had satisfied the Church; and to ask whether, if the Church should think fit to release them from the excommunication which had been pronounced against them, he might receive them again into favour. To these propositions the ministers gave a decided answer. They reminded the King of his promise that he would not listen to the earls till they had again left the country. When they were once more out of Scotland, then, and not till then, the Church would hear what they had to say. But even if the Church saw fit to release them from its sentence, the King might not show favour to men who were under sentence of death for rebellion.

Negotiations with the Commissioners.

Some few days before this interview took place, Bowes, the English Resident at the Scottish Court, was informed that David Black, one of the ministers of St. Andrews, had, in preaching, used expressions insulting to the Queen and Church of England. Although he was at that

Black's sermon.

time actively engaged in supporting the ministers in their opposition to the King, he thought it right to protest against Black's offence. He found that James had already heard of the affair, and was determined to take steps to bring the offender to punishment.[1]

The King's demands.

Accordingly, when, a day or two after, the Privy Councillors reported the unyielding temper in which their proposals had been received by the ministers, the King replied to a deputation of the clergy, which had come for the purpose of complaining of their grievances, by telling them plainly that there could be no good agreement between him and them till the limits of their respective jurisdictions had been more clearly defined. For his part he claimed that, in preaching, the clergy should abstain from speaking of matters of state; that the General Assembly should only meet when summoned by him; that its decisions should have no validity till after they had received his sanction; and that the Church

[1] "I received from Roger Ashton this letter enclosed, and containing such dishonourable effects against Her Majesty as I have thought it my duty to send the letter to your Lordship. . . . The King, I perceive, is both privy to this address made to me, and also intendeth to try the matters objected against Mr. David Black. . . . The credit of the authors of this report against him is commended to be good and famous. Nevertheless, he hath (I hear) flatly denied the utterance of any words in pulpit or privately against Her Majesty, offering himself to all torments upon proof thereof. Yet, seeing the offence is alleged to have been publicly done by him in his sermons, and to be sufficiently proved against him by credible witnesses, I shall therefore call for his timely trial and due punishment" (Bowes to Burghley, Nov. 1, 1596, *S. P. Scotl.*, lix. 63). Aston's account in the letter enclosed and dated Oct. 31 is as follows:—"About fourteen days since, Mr. David Black, minister of St. Andrews, in two or three of his sermons . . . most unreverently said that Her Majesty was an atheist, and that the religion that was professed there was but a show (?) of religion guided and directed by the Bishop's injunctions; and they could not be content with this at home, but would persuade the King to bring in the same here, and thereby to be debarred of the liberty of the word. This is spoken by persons of credit to the King, who is highly offended, and at his coming to Edinburgh will bring the matter in trial." These extracts show that the charge against Black was a *bonâ fide* resistance to an insult supposed to have been directed against the Queen, and not a mere scheme to get up an attack against the privileges of the Church.

courts should not meddle with causes which properly came under the cognisance of the law of the land.[1]

According to the ideas which are prevalent in our own day, these demands could only be met either by a frank renunciation of the independent position which had been assumed by the clergy, followed by a request for permission to retain those rights which upon impartial investigation could be shown to be advantageous to their congregations, or by a denial that the State was sufficiently organised to make it probable that justice would be done to them if they renounced their exclusive privileges.

Such a reply was not likely to be made in the sixteenth century. The Edinburgh Commissioners, as soon as they heard what had passed, prepared to defend themselves against an attack upon what they considered to be the purely spiritual privileges of the Church. To them all interference with the Church courts was an assault made by King James upon the kingdom of Jesus Christ, of which they were the appointed guardians. We cannot blame them. If their logic was faulty, their instinct told them truly that, if James were allowed to gain a victory here, he would speedily follow it up by assailing them on ground which was more clearly their own. They therefore, at their meeting on November 11, resolved to resist to the uttermost, and they were strengthened in their resolution by hearing that, the day before, Black had been summoned to appear on the 18th before the Council, to answer for the expressions which he was said to have used in his sermons.[2]

On the following day the Commissioners determined that Black should decline to allow his case to be tried before the King and Council. The King being applied to, told them that he would be satisfied if Black would appear before him and prove his innocence, but that he would not suffer him to decline the jurisdiction of the Council.

Black summoned before the Council.

Under these circumstances a collision was unavoidable.

[1] *Calderwood*, v. 451.

[2] *Calderwood*, v. 453. Summons of Mr. David Black, Nov. 10, 1596, *S. P. Scotl.* lix. 83.

The question was in reality only to be decided by allowing one of two parties to be judges in a case in which both of them were equally interested. No compromise was suggested on either side; nor, indeed, was any possible. Accordingly, on the 17th, the ministers drew up a declaration, which was to be given in by Black on the following day, in which he protested, in their name and in his own, that the King had no jurisdiction over offences committed in preaching, until the Church had decided against the accused minister.[1] Accordingly, on the 18th, Black appeared before the Council and declined its jurisdiction. After some discussion, the final decision upon his case was postponed till the 30th.[2] The Commissioners at once sent the declinature to all the Presbyteries, requesting them to testify by their subscriptions their agreement with the course which had been pursued at Edinburgh.[3]

On the 22nd, the King took a final resolution with respect to the Earl of Huntly. He decided that, as it was impossible to exterminate the whole of his following without great danger and difficulty, some terms must be granted, if the country were not to be exposed to a perpetual danger. He therefore required that the earl should find sixteen landowners who would enter into bonds for him that he would leave the realm on April 1, if he had not previously satisfied the Church, that he would banish from his company all Jesuits, priests, and excommunicated persons, and that he would engage in no attempt to disquiet the peace of the country. At the same time James issued a proclamation, forbidding all persons to communicate with Huntly and Errol, and ordering preparations to be made for levying a force, which was to march against them if they should refuse the conditions which he had offered.[4]

Conditions to be exacted from the Earl of Huntly.

[1] This seems to be the natural interpretation of the phrase *in primâ instantiâ*, and agrees with the theory of the Church courts which prevailed at the time.

[2] Record of Privy Council, in McCrie's *Life of Melville*, note KK.

[3] *Calderwood*, v. 460.

[4] The articles set down by His Majesty. Proclamation against the Earls, Nov. 22, 1596, *S. P. Scotl.* lix. 69, 70.

Two days later, the King heard that the ministers had sent the declinature to the Presbyteries for signature. He immediately directed three proclamations to be drawn up. The first prohibited the ministers from making any convocation of his subjects; the second charged those ministers who had come up from the country to return to their several parishes; and the third contained a new summons to Black to appear before the Council to answer not merely for his reflections on Elizabeth, but for several contemptuous observations on the King himself, and on his authority.[1]

Negotiations concerning Black.

Before, however, these proclamations were issued, an attempt was made by the ministers to come to terms with the King. Two or three days were spent in negotiations, which failed because neither party would give way on the main point. Accordingly, on the 27th,[2] the proclamations were allowed to appear.

The next day was Sunday. Every pulpit in Edinburgh was occupied by a minister who put forth all his energies in animating the people to join in the defence of the kingdom of Christ, whose spiritual jurisdiction was attacked. Whatever effect these arguments may have had upon the minds of the hearers, they had none whatever upon the King. Black having appeared before the Council on the 30th, and having once more declined its jurisdiction, a formal resolution was passed to the effect that, as the Church had nothing to do with deciding on questions of treason and sedition, the Court refused to admit the declinature.

The second declinature.

Upon this James made another overture. If Black would come before him, and declare upon his conscience the truth concerning the matters with which he was charged, he should be freely pardoned. James forgot that he had to do with men who, whether they were right or wrong, were contending for a great principle, and who were not to be moved by a mere offer of forgiveness. They told the King

The King's offers refused.

[1] Proclamations, Nov. 24, 1596, *S. P. Scotl.* lix. 72, 73, 74.

[2] *Calderwood*, v. 465. Bowes to Burghley, Nov. 27, 1596, *S. P. Scotl.* lix. 75.

that they were resisting him on behalf of the liberty of Christ's gospel and kingdom, and that they would continue to do so until he retracted what he had done.[1] James appears to have been to some extent intimidated by their firmness. Although the Council was engaged in receiving depositions against Black,[2] yet the King himself continued the negotiations into which he had entered, and on the following morning agreed to withdraw the acts of the Council upon which the proclamations had been founded, and to relinquish the proceedings against Black, on condition that he would, in the King's presence, make a declaration of the facts of his case to three of his brother ministers. Before, however, Black could be brought before him, James had, in consequence of the representations of some who were about him, changed his mind so far as to ask that he should acknowledge at least his fault towards the Queen.[3] This Black utterly refused to do, and the negotiations came to an end. The Council immediately assembled, and as he did not appear, proceeded to pronounce him guilty, leaving the penalty to be fixed by the King.

Black banished beyond the Tay.

It was some days before the sentence was carried into effect. The negotiations which had been broken off were once more resumed. As before, both sides were ready to give way in everything excepting on the main point at issue. At last the King's patience was exhausted, and he ordered Black to go into banishment to the north of the Tay. Not long afterwards, the Commissioners were directed to leave Edinburgh, and the ministers were informed that those who refused to submit would be punished by the loss of their stipends.

The Octavians.

The Commissioners had not been long gone when a fresh proposal was made by the King to the ministers of the town. It is unlikely that, under any circumstances, it would have been attended with satisfactory results. But, however that may have been, James did not give fair play to

[1] *Calderwood*, v. 482.

[2] Depositions, Dec. 1, 1596, *S. P. Scotl.* lix. 83.

[3] He was to 'confess an offence done to the Queen at least.' *Calderwood*, v. 486.

his renewed attempts at conciliation. Unfortunately there were those about the Court who were interested in bringing the quarrel to an issue. The King had for some months placed his confidence in a body of eight persons, who on account of their number went by the name of the Octavians. Under their management the finances were being reduced to some degree of order, an operation which had only been rendered possible by a considerable reduction of the Royal expenditure. As a natural consequence, the Court was crowded with men whose income was curtailed by the economy which had lately come into fashion, and who longed for the downfall of the Octavians, in order that the money which was now spent upon worthier objects might once more flow into their own pockets. Accordingly, there were actually to be found amongst the courtiers some who were prepared to inflame the already sufficiently angry temper which prevailed on both sides, in order to make their own profit in the general scramble which would ensue. On the one hand, they informed the King that some of the citizens of Edinburgh kept a nightly watch round the house in which the ministers lived, and that they might at any time rise in insurrection against the Government. On the other hand, they told the ministers that the Octavians were at the bottom of all that had passed, and that it was through their means that the Popish lords had been allowed to return. James at once fell into the trap, and, on the night of the 16th, ordered twenty-four of the principal citizens of Edinburgh to leave the town. As soon as the courtiers knew that this order had been given, they wrote to the ministers, telling them that it had been procured from the king by Huntly, who, as they falsely alleged, had visited him shortly before it had been issued.

The courtiers stir up the quarrel.

On the morning of the 17th, Walter Balcanqual, after complaining in his sermon of the banishment of so many innocent persons, inveighed against the principal Octavians, and requested the noblemen and gentlemen who were present to meet with the ministers in the Little Kirk after the conclusion of the sermon. As soon as they were assembled the meeting was addressed by Robert Bruce, one of

Meeting in the Little Kirk.

the foremost of the Edinburgh ministers, and it was determined that a deputation should be sent to the King to remonstrate with him, and to demand the dismissal of his councillors. James received them at the Tolbooth, and after some sharp words had passed on both sides, left the room without giving them any answer. Upon the return of the deputation to those who sent them, they found that the state of affairs had greatly changed in their absence. As soon as they had left the church, a foolish minister had thought fit to occupy the minds of the excited multitude by reading to them the narrative of the destruction of Haman, from the book of Esther. Whilst they were attending to this, some one among the crowd, who, according to the popular belief of the time, had been suborned by the courtiers, raised a cry of 'Fly! save yourselves!' Upon this, the whole congregation, with their minds full of the supposed treachery of the Octavians and the Popish lords, rushed out from the church in order to put on their armour. In a moment the streets were full of an alarmed crowd of armed men, who hardly knew what was the danger against which they had risen, or what were the steps which they were to take in order to provide against it. Some of them, not knowing what to do, rushed to the Tolbooth, and demanded that the most obnoxious of the Octavians should be delivered up to them.

Deputation to the King.

Tumult in the streets.

Such a tumult as this was not likely to last long. The provost had little difficulty in persuading men who had no definite object in view to return to their homes, a task in which he received the full support of the ministers.

It is easily suppressed.

James's conduct was not dignified. He seems to have been thoroughly frightened by what was passing around him, and he sent at once to the ministers, to whose complaints he had so lately refused to listen, directing them to send another deputation to him at Holyrood, to which place of safety he proceeded under the escort of the magistrates, as soon as the tumult was pacified.

Behaviour of the King.

Accordingly, in the evening, the new deputation set out for Holyrood, carrying with them a petition in which among other

things, they simply demanded that everything which had been done to the prejudice of the Church during the past five weeks should be at once annulled. They can hardly have expected that James would grant such a request as this. He was now no longer under the influence of terror, and everyone who was in his company during that afternoon must have urged him not to give way to such a gratuitous acknowledgment of defeat. If he had received the deputation, and had announced to them that, though he was ready to agree to any reasonable terms, he would not surrender the rights of the Crown, there would have been nothing to say against his conduct; but, instead of doing this, he was mean enough to employ Lord Ochiltree to meet the deputation on its way, in order that he might terrify or cajole them into returning without fulfilling their mission.[1]

He leaves Edinburgh.

The next morning James set off for Linlithgow, leaving behind him a proclamation commanding all strangers to leave Edinburgh at once, and ordering the removal of the Courts of Justice. It was evident that he intended to make use of the tumult of the day before to bring the question between the clergy and himself to an issue. No doubt he was determined to make the most of an affair which was in reality of very little consequence; but it is unlikely that he was influenced, as is generally supposed, by any very deep and hypocritical policy. In his eyes, the tumult must have assumed far larger proportions than it does to us, standing at this distance of time; and even if he had not been surrounded by men who were unwilling to allow the truth to penetrate to his ears, he would naturally suppose that the ministers had taken a far more direct part in the disturbance than had in reality been the case. The ministers certainly did not take such a course as was likely to disabuse him of his mistake. They wrote to Lord Hamilton, who, in consequence of his elder brother's insanity, was at the head of the great house which ruled over the important district of Clydesdale, begging him to come to Edinburgh, and to put himself at their head.[2] On the following day Bruce

[1] *Calderwood*, v. 502–514. *Spottiswoode* (Spottiswoode Society's ed.), iii. 27, 32. Bowes to Burghley, Dec. 17, 1596, *S. P. Scotl.* lix. 87.

[2] *Calderwood*, v. 514. The letter, before it reached the King's hands,

preached with all his energy against the assailants of the Church, and another minister made a violent personal attack upon the King. Accordingly, on the 20th, the magistrates of Edinburgh were ordered to commit as prisoners to the Castle the ministers of the town, together with certain of the citizens, in order that they might answer for their proceedings on the day of the tumult. Bruce and some others of the ministers, knowing that they could not expect a fair trial at the hands of their opponents, sought safety in flight.[1] Shortly afterwards, the Council declared that the tumult had been an act of treason. At the same time, the King issued a declaration, which he required every minister to sign, on pain of losing his stipend. By this signature he was to bind himself to submit to the King's judicatory in all civil and criminal causes, and especially in questions of treason and sedition.

Reduces it to submission. 1597.

James was determined to show that physical force at least was on his side. There was scarcely a noble in Scotland who did not look with displeasure upon the pretensions of the clergy; and the King had soon at his command a force which made all resistance useless. On January 1, 1597, he entered Edinburgh, and received the submission of the townsmen. Going to the High Church, he declared his determination to uphold the reformed religion. At the same time, however, he refrained from any declaration of his intention to pardon those who had taken part in the late tumult, and left them with the charge of treason hanging over their heads.

Difficult position of the King.

It had not been very difficult to overpower the resistance of the ministers; but it was by no means so easy to devise a scheme by which such collisions might be prevented for the future. There were, in fact, only two ways in which it was possible to obviate the continual danger of a renewal of the quarrel. On the one hand, James might, if he were strong enough, recall into existence the abolished Episcopacy, or, in other words, he might attempt

was in some way or other altered, so as to contain expressions of approbation of the tumult.

[1] *Calderwood*, v. 514–521; *Spottiswoode*, iii. 32–35.

once more to keep the ministers in silence and subjection by means of members of their own order. On the other hand, there was a proposal which had been often made for admitting the representatives of the Church to a share in the deliberations of Parliament, without giving to those representatives any title or jurisdiction derived from the Crown. Parliament would thus, it might be hoped, step in some degree into the place which was occupied by the body which bore the same name in England, so as to give full play to all the social forces which existed in the country, and to support the Crown in its efforts to mediate between the nobility and the clergy.

Scheme of Lindsay of Balcarres.

This last scheme had the advantage of the advocacy of the Secretary, John Lindsay of Balcarres,[1] who was decidedly the ablest statesman in the country. Irreconcilably opposed to the pretensions of the ministers to an independent position, he was no less opposed to the equally exorbitant pretensions of the high nobility. It was to him that the representatives of the smaller landed gentry owed their introduction into Parliament. He hoped to be able by their means to counterbalance to some extent the votes of the heads of the great feudal houses. In the same spirit, he was anxious to see the representatives of the Church added to the numbers of those who were summoned to Parliament to treat of matters of national concern.[2]

[1] The fact that he put it forward in the spring of 1596, in connection with a scheme which made the restoration of prelacy impossible, shows that he did not advocate it as a covert means of introducing Episcopacy. *Calderwood*, v. 420.

[2] It is generally supposed that the greatest difficulty would have been found with the High Presbyterian clergy. Yet if, as was in itself desirable, a stipulation had been made that the representatives of the Church in Parliament should always be laymen, it is unlikely that they would have resisted. At the Conference at Holyrood House in 1599, "It was demanded, who could vote for the Kirk, if not ministers? Answered, it might stand better with the office of an elder or deacon nor of a minister, they having commission from the Kirk and subject to render an account of their doing at the General Assembly, and that, indeed, we would have the Kirk as fair enjoying her privileges as any other, and have His Majesty satisfied, and the affairs of the common weal helped; but not with the hinder, wreck and corruption of the spiritual ministry of God's wor-

Yet, specious as this scheme appears, it may well be doubted whether it would have been attended with any satisfactory results. It is true that if the evils under which Scotland was labouring had been merely the results of a defect in the institutions of the country, no plan could possibly have been devised which was more likely to be successful than the union of the bodies which were in reality two distinct Parliaments, legislating independently of one another, and constantly coming into collision. But the truth was, that the two Parliaments were in reality the leaders of two distinct peoples living within the limits of one country, and that any attempt to bring them to work together would only have been attended by a violent explosion. If, indeed, James had been a different man, and if he had from the beginning of his reign given a sympathising but not unlimited co-operation to the cause of the ministers, which was in reality the cause of good order as well as of religion, he might have been able to mediate with effect between the two classes of his subjects. If, for instance, he had been a man such as was the great founder of the Dutch Republic, the clergy would at least have listened to him respectfully when he told them that, for political reasons, it was impossible to deal as they wished with the northern Earls. At all events they would not have been goaded into unwise assertions of questionable rights by the supposition, which, however ill-founded, was by no means unreasonable, that the King was at heart an enemy to the Protestant religion as well as to the political pretensions of the clergy.

Not likely to succeed.

shipping, and salvation of his people" (*Calderwood*, v. 752). In 1592, at the time when the acts confirming the Presbyterian system were passed, the English Resident wrote as follows :—"Sundry laws are made in favour of the Church; but the request of the ministry to have vote in Parliament is denied, notwithstanding that they pressed the same earnestly, in regard that the temporalities of the prelates (having place in Parliament for the Church) were now erected and put in temporal lords and persons, and that the number of the prelates remaining are few and not sufficient to serve for the Church in Parliament" (Bowes to Burghley, June 6, 1592, *S. P. Scotl.* xlviii. 44). The real difficulty would have come from the nobles, if the ministers could have been convinced that the King was acting in good faith.

But this was not to be. James found himself in a position from which there was no satisfactory way of escape. He found himself led on, step by step, from an undertaking in which he at first embarked with a view to restrain encroachments upon his own power, till, before his death, he had himself encroached far upon the proper domain of the clergy, and had sown the seeds of the whirlwind which was to sweep away his son.

Difficulties of James.

It soon became evident that there were considerable difficulties to be overcome before the clergy and the nobility could be brought to work together in Parliament. It was not easy to obtain the consent of the ministers to the change, suspicious as they naturally were of the intentions which might be concealed under the King's proposal. The only chance of gaining the approval of a General Assembly lay in resorting to a manœuvre. It was well known that the character of the Assembly was in a great measure influenced by the locality in which it met, as few of the ministers were able to afford to travel from distant parts of the country. Accordingly, James summoned the Assembly to meet at Perth, in order that it might be convenient for the ministers of the north to attend. These men had never shared the feelings which animated their brethren in the south, and were generally regarded by the High Presbyterian party as ignorant and unlearned. There were, however, on this occasion special reasons which would move them to take part with the King. If they were in some measure cut off from the intellectual movement of Edinburgh and St. Andrews, they were far more practically acquainted with the power of the northern Earls. If the confiscation of the lands of Huntly and Errol would in reality have served the Protestant cause, it cannot be doubted that these men would have been ready to cry out for it. In reality they must have known that they would have been the first to suffer from the confusion into which the country would have been thrown by any attempt to carry such a sentence into execution, and they were ready to support the authority of the King, which promised them the best chance of a quiet life for the future.

The northern ministers.

When the Assembly met at Perth, on February 29, the King was not contented with leaving the northern ministers to come to their own conclusions. The courtiers were employed to flatter and caress them. They were told that it was time for them to make a stand against the arrogance of the Popes of Edinburgh. They were closeted with the King himself, who used all the arguments at his disposal to win them to his side. The result was seen as soon as the first great question was brought before the Assembly. They were asked whether the Assembly was lawfully convened or not. The High Presbyterian party declared that it was not, as it had been summoned by royal authority; but, in spite of all their efforts, the question was decided against them.

The Assembly at Perth.

As soon as this point was settled, James proposed thirteen articles, to which he wished them to give their replies. The question of the vote in Parliament he left to another occasion, but he obtained permission to propose to a future Assembly alterations in the external government of the Church. The Assembly also agreed that no minister should find fault with the King's proceedings until he had first sought for remedy in vain, nor was he to denounce anyone by name from the pulpit, excepting in certain exceptional circumstances. The ministers were forbidden to meet in extraordinary conventions, and leave was given to the Presbyteries of Moray and Aberdeen to treat with the Earl of Huntly, who was asking, with no very good grace, for admission into the Protestant Church.

The King had thus gained the consent of the Assembly to the view which he took on most of the questions at issue between himself and the clergy. But a vote obtained by Court influence could not possibly have commanded the respect of those who were bound by it, and it was not by the shadow of legality which was thus thrown over the royal acts that the Melvilles and the Blacks were to be restrained from pronouncing the whole affair to be a mere caricature of the true Assemblies of the Church.[1]

[1] Melville's *Diary*, 403–414. *Book of the Universal Kirk* (Bannatyne Club), 889.

Two months later another Assembly met at Dundee, principally composed of the same class of persons, and animated by a similar spirit. They agreed to accept the submission of Huntly, Errol, and Angus, and gave permission for their absolution from the sentence of excommunication which had been pronounced upon them. They consented that a commission should be granted to certain of the principal ministers to confer from time to time with the King's Commissioners on the subject of the settlement of the ministers' stipends, and to give their advice to the King on all matters concerning the affairs of the Church. This appointment was long afterwards regarded as the first step towards the introduction of Bishops. But it may be doubted whether as yet James had formed any such intention. At present, his wishes seem to have been confined to the discovery of some means by which his authority might be maintained, and his experience of the last two Assemblies may well have led him to suppose that he could effect his purpose far better by the use of his personal influence than by any change in the existing system of Church government.

The Assembly at Dundee.

On June 26, the three Earls were released from their excommunication at Aberdeen, upon declaring their adhesion to doctrines at which they must have inwardly revolted. However necessary it might have been to relieve them from civil penalties, the ministers who hung back from countenancing this scene of hypocrisy stand out in bright contrast to the King who forced the supposed penitents to submit to such an indignity.

Absolution of the Earls.

In the course of the following month the Edinburgh ministers were again permitted to occupy their pulpits. The town had some time before been pardoned for the tumult of December 17, but not until a heavy fine had been exacted from it.

James now seemed to have established his authority on a sure foundation. Huntly and the great nobles were reduced to live for the future as peaceable subjects. The return of the exiles had not been attended with the results which the ministers had predicted. From this time we hear no more of intrigues with foreign powers for

Condition of the kingdom.

the overthrow of the monarchy. The Church, too, had by means which will not bear too close inspection, been induced to renounce some of its most exorbitant pretensions, and it seemed as if days of peace were in store for Scotland.

Everything depended on the spirit in which James took in hand the measure by which he hoped to obtain for the ministers a vote in Parliament, and on the success by which his efforts were attended. On December 13 Parliament met, and the Commissioners appointed by the last Assembly, who had no doubt come to an understanding with the King, petitioned that the Church might be represented in future Parliaments. Here, however, they met with unexpected obstacles. The great men who sat in Parliament were by no means willing to see their debates invaded by a crowd of ministers, or even by lay delegates who should be responsible to an ecclesiastical assembly. Unwilling to assent to the proposal, and yet desiring not to displease the King, they passed an Act authorising those persons to sit in Parliament who might be appointed by the King to the offices of Bishop or Abbot, or to any other prelacy. Such an Act was in reality in direct opposition to the petition which had been presented. The Commissioners had asked for seats for representatives of the clergy. The Parliament granted seats to two classes of persons: to laymen who had accepted ecclesiastical titles in order to enable them to hold Church property, and to ministers who were appointed by the King, and who need not have any fellow-feeling at all with their brethren. It was said at the time that those who assented to this Act were induced to do so by the belief that no minister would accept a bishopric from the King, and that they would thus be able to shelve for ever so distasteful a subject. At the same time, they took care to point out that their wish was that the new Bishops should, if they ever came into existence, be employed to exercise jurisdiction of some kind or other, by enacting that the King should treat with the Assembly on the office to be exercised by them 'in their spiritual policy and government in the Church.' [1]

Proposal that the clergy should have a vote in Parliament.

[1] *Acts of Parl. Scotl.* iv. 130.

On March 7, 1598, the Assembly met once more at Dundee. As on former occasions, every influence was used to win over the members to support the policy of the Court. There was one, however, amongst those who had presented themselves who was known to be intractable. Andrew Melville was not to be seduced or intimidated in the performance of his duty. James had, accordingly, in no very straightforward way, taken measures to prevent his sharing in the discussions of the Assembly. In the preceding summer he had himself visited St. Andrews, and, under his influence, a new rule had been laid down by which all teachers in the University who did not at the same time hold a ministerial charge were prohibited from taking any part in Church assemblies. He now, in virtue of this rule, which can hardly have been made except for the express purpose of excluding the great leader of the Church party, refused to allow Melville to take his seat.

1598. Assembly at Dundee.

Andrew Melville forbidden to sit.

It was not without opposition that the King carried his point. He declared that what he desired was not to have 'Papistical or Anglican Bishops.' He wished that the best and wisest of the ministry should take part in the deliberations of the Council and of the Parliament, in order that they might be able to speak on behalf of the Church. He himself took a share in the debates, and allowed himself to make an unfair use of his position to interrupt the speakers, and to bear down all opposition. At last, by a small majority, the Assembly decided that fifty-one representatives of the Church should vote in Parliament. The election of these was to pertain in part to the King and in part to the Church. They did not think fit to descend any further into particulars at the time. An opportunity was to be allowed to the various Presbyteries and Synods to consider of the precise position which was to be occupied by the future representatives. A convention was afterwards to be held, at which three persons nominated by each Synod and six doctors of the Universities were to be present. It was only, however, in the improbable case of the Convention being unanimous on the points which were to be submitted to it, that its decision was to be final in settling the

The King's proposal allowed.

position of the representatives of the Church. If differences of opinion arose, a report was to be made to the next General Assembly, which would itself take the matter in hand.

The Convention at Falkland.

Accordingly the Convention met at Falkland on July 25, and decided that the representatives should be nominated by the King out of a list of six, which was to be submitted to him by the Church upon each vacancy. The representative, when chosen, was to be responsible for his actions to the General Assembly, and was to propose nothing in Parliament for which he had not the express warrant of the Church.[1] As, however, the meeting was not unanimous, the final decision was left to the next General Assembly.

It is obvious that this scheme was entirely different from that which had been proposed by the Parliament. What the Convention had agreed upon was the admission of a body of men into Parliament who would be able to keep in check the temporal lords. What the Parliament had consented to was the admission of men who would assist the Crown and the nobility in keeping in check the clergy. Between these two plans James was now called upon to decide. As far as we can judge, he had hitherto been in earnest in his declarations that he had no wish to re-establish Episcopacy. He was at no time able to keep a secret long, and, if he had been acting hypocritically, his real sentiments would have been certain to ooze out in one quarter or another.[2] But, however this may have been,

[1] *Calderwood*, vi. 17.

[2] There is no direct evidence on one side or the other. But the frequency with which James's design of establishing the bishops is spoken of by Nicolson in his despatches to the English Government in the course of the following year, warrants us in founding upon his silence at an earlier period a strong presumption that there was no such design formed up to the autumn of 1598. The following passage in a letter written when the subject was before Parliament in 1597 is interesting: "The same day the articles given by the Kirk was dealt in again. The King seemed willing to have yielded them contentment, and so they acknowledge it in the pulpit and otherways. But the Council was against them, saying, if they should have place in Parliament and Council, it were meet for the King's honour that they had the title of some degree by the name of some degree of prelacy, and so they should be of more estimation with the

he certainly had not taken all this trouble in order to introduce fifty-one delegates of the General Assembly within the walls of Parliament. What he wanted was a body of men who would give weight to the decisions of Parliament in dealing with the cases in which there had hitherto been a conflict between the two jurisdictions; and it is no wonder that he thought that he could have attained his end, if a certain number of representatives had been elected for life. As far as we can be justified in ascribing to James any definite plan at all, it is probable that he expected that the Parliament, thus reinforced, would support him in the maintenance of his jurisdiction in all external matters, whilst all purely ecclesiastical affairs would be left, as before, to the General Assembly.

James thinks of restoring Episcopacy.

The best thing James could have done would have been to throw up the whole scheme, and to wait for better days. The distrust existing between the nobility and the clergy, and the little confidence with which he was regarded by the ministers, rendered his conciliatory proposal incapable of being carried out. It was certain that the scheme of the convention would never be accepted by Parliament, and even if it had been accepted, it would probably have been impossible to reduce it to working order. The time might come when a wise and firm Government might be able to overcome the difficulties by which the double representation of the nation was encumbered; but that time had not yet arrived.

Nor was it likely that James would do anything to anticipate such a time. He became more and more enamoured of the measure which had been proposed by the Parliament, and he felt an increasing desire for the re-establishment of Episcopacy

people, saying that when the Queen of England called any to be of her Council for their wisdom, she honoured them with the title of Knight or other degree, and without some degree of prelacy or other it was not meet they should have place in his Council, thereby thinking the ministers would not receive title and place thereby. But the King, seeing the lords would not otherwise agree unto their motion, willed them not to refuse it, promising to find a myd" [? middle or compromise] "for them therein. Wherein they retain the matter to their choice until they may advise with the General Assembly."—Nicolson to Cecil, Dec. 23, 1597, *S. P. Scotl.* lxi. 65.

as the only possible means of bringing the clergy to submit to his own authority. With Episcopacy as an ecclesiastical institution, he had, at least as yet, no sympathy whatever. He regarded it simply as a device for keeping the clergy in order, and he did not see that by the very fact of his clothing the officials who were appointed by him for this purpose with an ecclesiastical title, he was preparing for himself a temptation which would soon lead him to interfere with those strictly ecclesiastical matters which were beyond his province. He had hitherto been in pursuit of an object which was at least worthy of the efforts of a statesman. He was now entering upon a path in which the wisest man could not avoid committing one blunder after another.

The 'Basilicon Doron.'

It was in preparing the 'Basilicon Doron,' the work which James drew up in the autumn of this year,[1] for the instruction of his son, and which, as he intended it to be kept from public knowledge, may be supposed to contain his real thoughts, that he first gave expression to his opinions on this subject. In this book he spoke clearly of his wish to bridle the clergy, if possible, by the reintroduction of Bishops into the Church. He was not likely to feel less strongly in the following year, when he was again irritated by a renewal of his old quarrel with Bruce and the ministers of Edinburgh, respecting the amount of licence which was to be allowed to them in speaking of State affairs in the pulpit. At the same time, his own conduct was such as to give rise to grave suspicions. Not only did the sentiments expressed in the 'Basilicon Doron' become generally known, when it was found impossible to keep the existence of the book any longer a secret, but he allowed himself to engage in those intrigues with the Catholic Powers of Europe, in the hope of obtaining their support at the death of Elizabeth, which afterwards gave rise to so much scandal. Seton, the President of the Session, and Elphinstone, who had lately become Secretary in the place of Lindsay of Balcarres, were known to be

1599.

[1] The earliest mention of the book is probably in the undated advices from Nicolson ascribed by Mr. Thorpe to Oct. 1598. *S. P. Scotl.* lxiii. 50.

Catholics. Montrose, who had long befriended the northern Earls, was appointed Chancellor, and Huntly himself was constantly seen at Court, and was raised to the dignity of a Marquis, an honour which was by no means counterbalanced in the eyes of the clergy by the gift of a similar title to the Protestant Hamilton.

Towards the end of 1599, James determined to make a last attempt to change the purpose of the ministers. The Assembly was to meet at Montrose in March, but he thought that before he presented himself before it, it would be well to summon a conference of the principal ministers to meet him at Holyrood in the preceding November. It was in vain, however, that he did his best to induce them to agree to the appointment of representatives for life, and to his proposal that these representatives should bear the title of Bishops.[1] When the Assembly met at Montrose, no better success attended his efforts. It was there decided, that the representatives of the Assembly who were to vote in Parliament should only hold their position for a year, and that they were to be tied down by such a body of restrictions that it would be impossible for them to be anything else than the obedient servants of the Assembly.

Conference at Holyrood.

1600. Assembly at Montrose.

James had thus brought himself into a position from which it was difficult to extricate himself with dignity. He must either assent to the nomination of representatives who would never be permitted to vote, or he must appoint Bishops who, unless he could contrive to impose them by force upon the unwilling Church, would not be allowed to exercise any jurisdiction whatever. Under these circumstances, everything combined to lead him to choose the alternative which was offered by the Parliament. It was not, however, till after the strange incident of the Gowrie Plot had brought him once more into collision with the ministers who refused to believe his explanation of that mysterious occurence, that he made up his mind to take the final step. On October 14 1600, he summoned a Convention of Commissioners from the various synods, whose consent he obtained to the appointment

Appointment of Bishops.

[1] *Calderwood*, v. 746.

of three Bishops in addition to the few who were still surviving from amongst those who had been formerly nominated. These Bishops took their seats, and voted in the Parliament which met in November,[1] but they had no place whatever assigned to them in the organization of the Church. The exact part taken by the Convention in this nomination is uncertain; but it is clear that, as it was not a General Assembly, it had no right to act in the name of the Church. The rank, therefore, of these new Bishops cannot be regarded as anything more than that which could be derived from a civil appointment by the Crown, which was covered over by the participation of a few ministers who were altogether unauthorised to deal with the matter. The whole of the labours and intrigues of the last three years had been thrown away, and James had done nothing more than he might have done immediately upon the passing of the Act of Parliament in 1597.[2]

The English Succession.

The position which James had thus taken up towards the Scottish Presbyterians, was likely to affect his conduct when he came to deal with the English Puritans. For the present James's attention was drawn aside to the work of making good his claim to the English throne. For some years Englishmen had been looking forward with anxiety to

[1] Calderwood represents them as being chosen by 'the King with his Commissioners and the ministers there convened.' Nicolson writes: "According to my last, the King laboured the erecting of the Bishops exceeding earnestly; yet for that the same was to be done with general allowance of the Kirk, he directed the Lord President, Secretary, and others to confer with the Commissioners of the Kirk, who, standing upon what was set down at the General Assembly last at Montrose the King not pleased therewith, nor with the coldness of the estates therein, got it consented unto that the three new Bishops . . . should have vote with the prelates, and so they had it this day, leaving their further authorities to the next General Assembly."—Nicolson to Cecil, Nov. 15, 1600, *S. P. Scotl.* lxvi. 96.

[2] Writers frequently speak of the King's Bishops as if they were in some way connected with the appointment of representatives assented to by the Assembly of Montrose. Such, however, is evidently not the case. They derived their title simply from the Act of Parliament and the prerogative of the Crown. At the Assembly which met at Burntisland in 1601, there seems to have been no reference to the Bishops on either side.

the death of Elizabeth, and had prognosticated that it would be followed by internal convulsions, if not by a foreign invasion. Curious persons reckoned up a list of fourteen claimants to the Crown,[1] not one of whom could show a title perfectly free from objection. Of these, however, the greater number must have known that they had no chance even of obtaining a hearing, deriving their claims, as they did, from sovereigns who reigned before Henry VII., and thus ignoring the rights of the House of Tudor. The only one of these whose claim had been prominently brought forward was Isabella, the eldest daughter of Philip II. of Spain. Those who asked that a Spanish princess should wear the crown of Elizabeth, urged that she was descended from a daughter of William the Conqueror, from a daughter of Henry II., and from a daughter of Henry III. They also brought forward the fact that her ancestor, Louis VIII. of France, had been chosen to the throne of England, and they argued that his descendants had a right to occupy the throne in preference to the descendants of John.[2] Such reasoning was by no means conclusive, and the support of her title by the more violent Catholics was not likely to conciliate the nation in her behalf.

Title of the Infanta;

In fact the only doubt which would by any possibility be raised was, whether the succession would fall to the House of Suffolk, or to the House of Stuart.

The Parliamentary title was undoubtedly vested in the Suffolk line. By an Act of Parliament, Henry VIII. had been empowered to dispose of the succession by will; and he had directed that, after his own children and their issue, the Lady Frances, the eldest daughter of his sister Mary, Duchess of Suffolk, should succeed. Failing her and her children, her place was to be taken by her sister Eleanor. After the death of Lady Jane Gray, who was the eldest daughter of the Lady Frances, the claims of the elder branch of the Suffolk line were represented by Lady Jane's next sister, Catherine. If Elizabeth had died before 1587, there can be

1601. of the Suffolk line;

[1] Introduction to the *Correspondence of James VI. with Sir R. Cecil.*

[2] Doleman (Persons), *Conference on the Succession*, 151.

little doubt that Catherine Gray, or one of her family,[1] would have succeeded her. As long as the Queen of Scots was alive, the reasons which had determined the nation to support Henry VIII. in excluding the House of Stuart were still of importance. With the execution of Mary all these objections fell to the ground. There was now no sufficient cause for tampering with the ordinary rule of hereditary succession. If Parliament had been allowed to follow its own wishes, an Act would undoubtedly have been passed securing the succession to James, who was the representative of his great-grandmother Margaret, the eldest daughter of Henry VII. But the prejudices of the Queen stood in the way. She was determined that in her lifetime no one should be able to call himself her heir. But that when, in the course of nature, she should be removed from the throne, James would be acceptable, with scarcely an exception, to the whole English nation, was undeniable. The desire to return to the regular course was certainly strengthened by the position in which the Suffolk family stood at the end of Elizabeth's reign. There were doubts as to the validity of the marriage of Catherine Gray with the Earl of Hertford, and, consequently, of the legitimacy of his eldest son, Lord Beauchamp. If the marriage should be hereafter proved to be invalid, Lord Beauchamp's claim would be worthless ; if, on the other hand, it should be proved to be valid, the claim of any representative of the younger branch of the Suffolk line would be equally worthless.

and of the Stuart line.

If the Parliamentary title were discarded, the claim of James was certain to prevail. Lawyers indeed had been found who had discovered that his cousin, Arabella Stuart, who was also descended from Margaret, the sister of Henry VIII., had a better title, as she had been born in England, whereas James had been born in Scotland. It was a maxim of the English law, they argued, that no alien could inherit land in England. If, therefore, James was incapable of inheriting an acre of land south of the Tweed, he was still more incapable of inheriting the whole realm. A few of the more moderate Catholics would have welcomed the accession of Arabella, as they thought it more

Arguments in favour of Arabella Stuart.

[1] She herself died in 1567.

likely that they would obtain toleration from her than from a King who had been nursed in the Presbyterian Church of Scotland; but with this exception, these crotchets of the lawyers met with no response in the nation.

James too eager to raise a party in England.

The only obstacle which was likely to oppose itself to the realisation of the wishes of the people arose from the character of James himself. For some years he was unable to believe that he could obtain the object of his desires without some superhuman effort of his own. He was bent upon getting together a party who would support his claims when the day of trial came. He intrigued with Essex, with Mountjoy, and even with the rebel Tyrone.[1] If he did not consent to head an army for the invasion of England, he at all events gave no decided refusal when the proposal was made to him.

The Catholic intrigue.

Many of his counsellors and associates in Scotland had been anxious to embark him on a still more dangerous course. The Catholics about him wished him to become King of England with the assistance of the Pope, to grant liberty of conscience to the Catholics of both kingdoms, and to set Presbyterians and Puritans at defiance.[2] They were anxious to engage him in a correspondence with the Pope himself. In 1599, a certain Edward Drummond was about to proceed to Rome. James consented to entrust him with letters addressed to the Duke of Florence, the Duke of Savoy, and some of the Cardinals, asking them to support the appointment of the Bishop of Vaison—a Scotchman, named Chisholm—to the Cardinalate, who was expected to watch over the interests of James at Rome. But James resolutely refused to write

[1] This letter to Tyrone is among the *Lansd. MSS.*, lxxxiv. fol. 79 a. Tyrone's answer is in the *S. P. Scotl.* lxvi. 28. The whole subject of the relations between James and the English parties is treated of at some length by Mr. Bruce in his introduction to the *Correspondence of James VI. with Sir R. Cecil.* These letters add one or two new facts to the history, but their chief value consists in the light which they throw upon the character of Cecil. Nothing can be more instructive than the contrast between the tone of these letters and those of Lord Henry Howard, which have so often, in spite of repeated protests, been taken to represent Cecil's feelings as well as his policy.

[2] Gray to Salisbury, Oct. 3, 1608. *Hatfield MSS.* cxxvi. fol. 59.

to the Pope himself, not because he had any scruple about negotiating with him, but because he objected to address him as 'Holy Father.' Elphinstone, the Secretary of State, urged on by men higher in authority than himself, persuaded Drummond to draw up a letter to the Pope asking for the Bishop's appointment and explaining that the bearer was directed to say that James had no intention of persecuting the Catholics. Elphinstone slipped this letter in amongst the others which were awaiting James's signature as he was going out hunting, and had the titles added afterwards by Drummond. Some time later, information that this letter had been delivered in Rome reached Queen Elizabeth, and she directed her ambassador to remonstrate with James. James summoned Elphinstone to bear witness that no such letter had been sent, and Elphinstone not only avowed his ignorance of the letter, but persuaded Drummond on his return from Rome to support him in his falsehood.[1]

The surreptitious letter to the Pope.

[1] Elphinstone was subsequently created Lord Balmerino. In 1608 the whole story came out. The narrative as given above is taken from his letter to the King, Oct. 21, 1608 (*Hatfield MSS.*, cxxvi. fol. 67), and from his relation in *Calderwood*, v. 740. My reasons for believing it will be given when I come to deal with Balmerino's trial. In the meanwhile the following extract from a letter of the Jesuit Creichton will serve to put James's conduct in a clear light:—"As touching the President's" (*i.e.* Balmerino's) "confession to have sent the despatch to Pope and Cardinals without His Majesty's consent or commandment, I will not mell me with that, nor anything what it may merit. But because I assisted Mr. Edward Drummond in all that negotiation (thinking it to be to the King's weal and service) and communication of all the letters that were brought for that affair, I thought it expedient to inform you of the verity of all. There was nothing wrought in that negotiation which was not thought to be for the King's Majesty's service, which was to procure the Bishop of Vaison's advancement to the degree of Cardinal, to the end that His Majesty should have in the College of Cardinals one of his true and faithful subjects to advance His Majesty's service, and dash and stop that which might be to his prejudice; and specially that they should not excommunicate His Majesty, or absolve his subjects from their obedience, as there was some at that time busy to procure it. . . . It was not given to understand to the Pope that the King's Majesty was in any disposition either to come [*sic*] or favour the Catholic religion, for the contrary was contained expressly in the letters, . . . saying that, albeit he remained constant in that religion

There is no difficulty in learning what James thought at this time on the subject of the toleration of the Catholics. In a letter written before his accession to the English throne, he expressed himself precisely as he afterwards did to his first English Parliament, that he was unwilling that the blood of any man should be shed for diversity of opinion in religion, but that he was also unwilling that the Catholics should become sufficiently numerous to oppress the Protestants. He would be glad that priests and Jesuits should be banished, and that all further spread of the religion might thus quickly be put a stop to without persecution.[1]

James's opinion on toleration.

Such an idea was not very practical, but it was at least the expression of a desire to escape from that miserable intolerance with which Europe in every corner was defiled.

In his effort to bring into existence a better order of society, James would receive no help from Elizabeth's ministers. In their opinion, the only reasonable way of dealing with Catholics was to keep them down, the laity by fine and imprisonment, and the clergy by the gallows. There was one amongst them, Sir Robert Cecil, who could teach James that the way to the throne of England did not lie in a secret understanding with the Catholics. Cecil had been, since his father Burghley's death, the leading statesman in Elizabeth's Government. He was in the enjoyment of the full confidence of his sovereign, and had been entrusted by her with the responsible office of Secretary. He saw clearly that it was necessary for England that James should succeed Elizabeth, and he saw also that James must be kept quiet, if he

1602. James's secret correspondence with Cecil and others.

in which he was nourished from his cradle, yet he would not be enemy or persecutor of the Catholics so long as they should remain faithful and obedient subjects unto him. As, indeed, His Majesty had ever done, until the horrible and barbarous conspiracy of the Gunpowder. For in Scotland, to them of our order who are holden the most odious, and persecuted to the death by the ministers, he did never use more rigour nor to banish them out of the country, and constrain their parents to oblige them under pain to cause them to depart."—W. Creichton to Sir A. Murray, Jan. 27, 1609; Botfield's *Original Letters relating to Ecclesiastical Affairs*, i. 180.

[1] *Correspondence of James VI. with Sir R. Cecil*, p. 36.

were not to throw his chance away. He therefore took advantage of the presence of a Scottish embassy in London, to let James know that he was devoted to his service. A correspondence sprang up, which was kept secret from the Queen, in which he impressed on James the necessity of avoiding anything like impatience, and assured him that he would answer for his ultimate success. James, who had been prejudiced against Cecil by Essex, and had been led to believe that the Secretary favoured the title of the Infanta, was overjoyed to find that he had gained such a supporter, and submitted for the remainder of Elizabeth's life to be guided by his counsels. This prudent conduct eventually found its reward. When the time came, James was welcomed from Berwick to the Land's End, with scarcely a dissentient voice.

CHAPTER III.

JAMES I. AND THE CATHOLICS.

On March 24, within a few hours[1] after the death of the Queen, a meeting was held at Whitehall. The Privy Councillors had hastened in from Richmond, and summonses had been issued requesting the attendance of the Peers who were in London at the time, with that of the Lord Mayor, and of a few other persons of note.

1603. March 24. Council at Whitehall.

As soon as those who had been invited had assembled, a proclamation was produced, which had been composed by Cecil in anticipation of the death of Elizabeth. A copy of it had already been sent to Scotland, and had received the approval of James.[2] After some discussion it was agreed to, and at ten o'clock the whole of the councillors and nobility present went out before the palace-gate, where the proclamation which announced the peaceable accession of James I. was read by Cecil himself in the presence of a large concourse of people.[3] The ceremony was repeated in the City. The countenances of all who witnessed it testified their satisfaction with the step which had been taken. During the time of the Queen's illness watch and ward had been kept in the City. Wealthy men had brought in their plate and

Proclamation of James I.

[1] *Add. MSS.*, 1786, fol. 5 b.

[2] Bruce, *Correspondence of King James VI. of Scotland with Sir R. Cecil and others*, 47.

[3] Beaumont to the King of France, $\frac{\text{March 26,}}{\text{April 5,}}$ 1603. *King's MSS.*, 123, fol. 18 b.

treasure from the country, and had put them in places of security. Ships of war had been stationed in the Straits of Dover to guard against a foreign invasion; and some of the principal recusants had, as a matter of precaution, been committed to safe custody. All the apprehensions with which men's minds had been filled were now at an end. The citizens showed their confidence in the Government by putting up their weapons, and returning to their several occupations. All over England the proclamation met with a similar reception. If ever there was an act in which the nation was unanimous, it was the welcome with which the accession of the new Sovereign was greeted.

On the day after the proclamation had been issued, Thomas Somerset and Sir Charles Percy were despatched to Edinburgh by the Council to inform the King of all that had passed. It was probably on the following day that a scene took place which, a century earlier, would have been of some importance. The Earl of Northumberland was a man of considerable learning and ability, but hot-headed and impatient of control. A few days before the Queen's death he had been requested, together with Lord Cobham and Lord Thomas Howard, to take part in the deliberations of the Council. He had appeared at the head of more than a hundred men, had talked loudly of the necessity of acknowledging James, and had declared that he was ready to put to death anyone who was proposed in opposition to him.[1] He now stepped forward in defence of the privileges of the old nobility. He had heard that the Privy Councillors had met at the Earl of Nottingham's, in order to take measures for removing the Queen's body to London. He thought this a good opportunity to remind them that, in consequence of the death of the Queen, they had ceased to occupy any official position, until they were confirmed in their places by the new King. He told them that the peerage had too long been

March 25. Proceedings of the Council after the Queen's death.

[1] Boderie to Villeroi, $\frac{\text{June 26,}}{\text{July 6,}}$ 1606, *Ambassades*, i. 181. In an account which he gave of his appearance at the Council to the King (*Correspondence of James VI. with Sir R. Cecil*, p. 73) Northumberland says nothing of this.

treated with contempt, and that they were determined to submit to it no longer. Sir Thomas Egerton, the Lord Keeper, with admirable self-control, at once admitted that his authority ceased with the death of the Queen, and proposed that he, and all the Councillors who were not members of the Upper House, should resign to the Lords their seats at the head of the table. The peers who were present would not hear of this proposal, and everything went on as usual.[1]

March 28. Order prevails.

As may be imagined, the Councillors were not anxious to prolong this uncertain position of affairs, and messengers were again despatched to the King begging him to establish some settled government. Practically no harm was done. The French ambassador was struck, as his countrymen have often been on similar occasions, with the ready obedience which was paid to authorities who held power by so uncertain a tenure. Even in those days the long exercise of the duties and privileges of self-government enabled Englishmen to pass through a political crisis with a calmness which appeared almost miraculous in the eyes of a foreigner. On April 5, however, the crisis was at an end. The Government was able to inform the people that letters had been received from the King, confirming all officers in their places till his arrival in England.

Sir R. Carey takes the first news of the Queen's death.

The two gentlemen who had been selected by the Council were not the first to carry the great news to Edinburgh. A certain George Marshall was probably the first to bear the information to James.[2] Sir Robert Carey too had slipped away as soon as he was certain of the Queen's death, having previously taken the precaution of placing post-horses along the road. He hoped to reap a rich reward by being the bearer of the news that his benefactress was no longer able to do him offices of kindness. He was probably, however, anticipated by Marshall,

[1] I suppose this to be as accurate an account as can be obtained from the conflicting statements contained in *Add. MSS.* 1786, fol. 5 b; 718, fol. 34 b, and Beaumont to the King of France, $\frac{\text{March 29,}}{\text{April 8,}}$ 1603 (*King's MSS.* 123, fol. 29 b). The scene certainly took place before the 26th, when the Queen's body was actually removed.

[2] Marshall to Salisbury, Jan. 4, 1610. *Hatfield MSS.* 195, fol. 95.

and it is satisfactory to know that, although he was taken into favour by James, the rewards which he received were, in his own estimation, an inadequate remuneration of the service which he rendered on this important occasion.[1]

On April 5, the new Sovereign set out from Edinburgh. The impression which he created was on the whole favourable. Of his deeper characteristics, nothing could as yet be known. His personal appearance was in his favour. He was somewhat above the middle height, fair-complexioned, fond of active exercises, especially in the hunting-field, and well pleased to throw ceremony aside with those whom he admitted to his intimacy.[2] His moral habits were praiseworthy. He was faithful and affectionate to his wife, Anne of Denmark, though her levity must often have annoyed him, and though he was certainly not abstemious, he was never intoxicated.[3]

April 5. James sets out from Edinburgh.

James did not arrive in the neighbourhood of London till May 3. He must have thought that he had entered upon the government of El Dorado. Every nobleman and gentleman kept open house as he passed. He spent his time in festivities and amusements of various kinds. The gentry of the counties through which his journey lay thronged in to see him. Most of them returned home decorated with the honours of knighthood, a title which he dispensed with a profusion which astonished those who remembered the sober days of Elizabeth. One act of his gave rise to no friendly comments. At Newark he ordained that a cutpurse, who was taken in the crowd, should at once be hanged without form of trial. As he never repeated

[1] *Memoirs of Sir R. Carey*, p. 180.

[2] The descriptions of James as weak in body, and unable to sit a horse without falling off, no doubt apply to him only later in life. "Il Rè," writes one who saw him at this time, "è di faccia bella, nobile, e giovale; di color bianco, pelo assai biondo, barba quadra e lunghetta, bocca piccola, occhi azzurri, naso asciutto e profilato, uomo allegro, nè grasso nè magro, di vita ben fatta, più tosto grande che piccolo."—Degli Effetti to Del Bufalo, June $\frac{13}{23}$, *Roman Transcripts, R. O.*

[3] The evidence of his physician, Sir T. Mayerne (in *Ellis*, ser. 2, iii. 197), is decisive on this point. He drank great quantities of not very strong wine, and his head was never affected by it.

this mistake, it may be supposed that he was warned by his councillors that he could not violate with impunity the first principles of English law.

The number of those who were flocking northwards gave some uneasiness to the Councillors. To the proclamation in which they announced that the King had confirmed them in their offices they added a paragraph forbidding general resort to the new Sovereign. It may reasonably be supposed that they had other motives than a desire to save the northern counties from the crowds which threatened to devour all their resources.[1] It is not strange that the men who had possessed the confidence of the late Queen, and who had skilfully held the reins of government during the critical times which were now happily at an end, should have been anxious to be the first to give an account of their stewardship to their new master. A day or two after the issue of the proclamation they put a stop to the journey of the man whom above all others they were desirous of keeping at a distance from the King. Sir Walter Raleigh was setting out at the head of a large body of suitors when he received an order to relinquish his intention.

Sir Walter Raleigh.

It is difficult for us at this distance of time to realise the feelings with which Raleigh was regarded by the great mass of his contemporaries. To us he is the man who had more genius than all the Privy Council put together. At the first mention of his name, there rises up before us the remembrance of the active mind, the meditative head, and the bold heart, which have stamped themselves indelibly upon the pages of the history of two continents. Above all, we think of him as the victim of oppression, sobered down by the patient endurance of an undeserved imprisonment, and as finally passing into his bloody grave, struck down by an unjust sentence. To the greater number of the men amongst whom he moved, he was simply the most unpopular man in England. Here and there were to be found a few who knew his worth. Those who had served under him, like his faithful Captain Keymis, and those who, like Sir John Harington, merely met him occasionally in social

[1] Cecil and Kinloss to Lord H. Howard, April 9 (*S. P. Dom.* i. 16).

intercourse, knew well what the loyal heart of the man really was. But by the multitude, whom he despised, and by the grave statesmen and showy courtiers with whom he jostled for Elizabeth's favour, he was regarded as an insolent and unprincipled wretch, who feared neither God nor man, and who would shrink from no crime if he could thereby satisfy his ambitious desires. There can be no doubt that these charges, frivolous as they must seem to those who know what Raleigh's true nature was, had some basis in his character. Looking down as he did from the eminence of genius upon the actions of lesser men, he was too apt to treat them with the arrogance and scorn which they seldom deserved, and which it was certain that they would resent.[1]

In the latter years of Elizabeth's reign his heart had been set upon becoming a Privy Councillor. Elizabeth was determined that he should not have the object of his wishes. She was glad to have him at hand, knowing as she did the value of his counsel in times of danger, and that there were many services for which it was impossible to find a fitter man ; but, at a time when she was herself anxious for peace, she would not trust in the council chamber a man whose voice was still for war.

[1] Northumberland's testimony is worth quoting, as he was by no means likely to invent stories against Raleigh : "I must needs affirm Raleigh's ever allowance of your right, and although I know him insolent, extremely heated, a man that desires to seem to be able to sway all men's courses, and a man that out of himself, when your time shall come, shall never be able to do you much good nor harm, yet must I needs confess what I know, that there is excellent good parts of nature in him, a man whose love is disadvantageous to me in some sort, which I cherish rather out of constancy than policy, and one whom I wish your Majesty not to lose, because I would not that one hair of a man's head should be against you that might be for you."—Northumberland to James, *Correspondence of James VI. with Sir R. Cecil*, p. 67.

A much harsher account of him is given in *Sloane MSS.* 718. But the most striking evidence is contained in a despatch of Beaumont's to the French King, $\frac{\text{April } 22}{\text{May } 2}$, 1603 (*King's MSS.* 123, fol. 94 b) : "It was said at Court," he writes, "that Cecil had procured Raleigh's disgrace, because he was unable to support the weight of his unpopularity." The story is absurd, but that it should have been invented is significant.

He, too, turned with hope to the rising sun. Like all true-hearted Englishmen, he saw that the accession of James was indispensable to the safety of the country, and he trusted to find his account in the change. As it was, he must have been miserable enough; he had not a single friend with whom he could co-operate upon equal terms. Northumberland shared his counsels, but refrained from giving him his confidence. The poor mean-spirited Lord Cobham seemed to be the only human being, with the exception of those who were dependent upon him, who attached himself to him at all. He tried to take Cecil into his confidence, and to share his schemes for the furtherance of James's prospects, but Cecil preferred to keep his secrets to himself, and warned him off with a few polite sentences, telling him that he, for one, had no intention of looking forward to such an event as his mistress's death.[1]

Sir Robert Cecil.

With all his good qualities, and they were many, Cecil was not the man to comprehend Raleigh. Himself without a spark of true genius, he was not likely to be able to detect it in others. To his orderly and systematic mind, Raleigh was a self-seeking adventurer, and Bacon an imaginative dreamer. He could no more understand the thoughts which filled their minds, than he could understand why the Catholics ought to be tolerated, or why the Puritan clergy ought to be allowed to break through the established rules of the Church. His ideas on all important subjects were the ideas which had been prevalent at the Court of Elizabeth at the time when he first grew up to manhood under his father's care. In all the numerous speeches which he delivered, and in all letters which have come down to us written by his hand, it is impossible to detect a single original idea. Nor was he more successful in action. Other men of less ability have left their mark upon the history of the constitution. No important measure, no constitutional improvement, connects itself with the name

[1] Cecil to James, *Correspondence of James VI. with Sir R. Cecil*, p. 18. This is the only passage in which he mentions Raleigh. It is not complimentary; but it is very different from the constant abuse of him by Lord H. Howard.

of Robert Cecil. As Bacon said of him, he was *magis in operatione quam in opere.*

It was not altogether his own fault. His education had been against him. Like the Emperors who were born in the purple, he was unfortunately looked upon from his childhood as an hereditary statesman. He had never known what it was to be in opposition. He had never had the inestimable advantage of mixing with his countrymen as one who was unconnected with official position and official men. He was the first and greatest of that unhappy race of statesmen who were trained for their work as for a profession. If he had, like his father, known a time when the government had been conducted on principles which he detested, he might have risen into a clearer knowledge of the wants of the nation which he was called to guide. Even as it was, he never sank to the level of the Nauntons and the Windebanks, who were to follow.

James did not hesitate for a moment where to place his confidence. In after years he was in the habit of congratulating himself that he had not imitated Rehoboam in displacing the counsellors of his predecessor, and of those counsellors there was none to whom he owed so deep a debt of gratitude as he did to Cecil. His first thought on receiving intelligence of the Queen's death, was to express his thanks to Cecil for his careful attention to his interests. "How happy I think myself," he wrote, "by the conquest of so faithful and so wise a counsellor, I reserve it to be expressed out of my own mouth unto you." [1] The confidence which James thus bestowed was never withdrawn as long as Cecil lived.

Although the sphere of his vision was limited, within that sphere he was unrivalled by the statesmen of his day. As an administrator, he was unequalled for patient industry, and for the calm good sense with which he came to his conclusions. If he clung to office with tenacity, and if he regarded with undue suspicion those who were likely to be his rivals, he was no mere ambitious aspirant for place, to clutch at all posts the duties of which he was unwilling or unable to perform. The

[1] The King to Cecil, March 27. *Hatfield MSS.*, cxxxiv. 28.

labours which he underwent were enormous. As Secretary, he had to conduct the whole of the civil administration of the kingdom, to keep his eye upon the plots and conspiracies which were bursting out in every direction, to correspond with the Irish Government and to control its policy, and to carry on through the various ambassadors complicated negotiations with every State of importance in Europe. Besides all this, when Parliament was sitting, it was on him that the duty chiefly devolved of making the policy of the Government palatable to the House of Commons, of replying to all objections, and of obtaining the King's consent to the necessary alterations. As if all this were not enough, during the last few years of his life he undertook the office of Treasurer in addition to that of Secretary. Upon him fell all the burden of the attempt which he made to restore to a sound condition the disordered finances, and of mastering the numerous details from which alone he could obtain the knowledge necessary in order to remedy the evil.

To this unflagging industry he added the no less valuable quality of unfailing courtesy. Nothing ever seemed to ruffle his temper. When the great financial scheme for which he had laboured so long, and over which he had spent so many weary hours, was definitely wrecked, he said no more than that he thought the Lord had not blessed it. He was one of those who never willingly wounded the feelings of any man, and who never treated great or small with insolence.[1]

Although there are circumstances in his life which tell against him, it is difficult to read the whole of the letters and documents which have come down to us from his pen, without becoming gradually convinced of his honesty of intention. It cannot be denied that he was satisfied with the ordinary morality of his time, and that he thought it no shame to keep a state secret or to discover a plot by means of a falsehood. If he grasped at power as one who took pleasure in the exercise of it, he used it for what he regarded as the true interests of his king and country.

[1] The Exam. of Sir F. Hastings, Feb. 1605, *S. P. Dom.* xii. 74, is admirably fitted for giving an idea of the characters of Cecil, Howard, and Egerton.

Nor are we left to his own acts and words as the only means by which we are enabled to form a judgment of his character. Of all the statesmen of the day, not one has left a more blameless character than the Earl of Dorset. Dorset took the opportunity of leaving upon record in his will, which would not be read till he had no longer injury or favour to expect in this world, the very high admiration in which his colleague was held by him. Of all the statesmen who fell from power during the same period, it has been considered that none was more unjustly treated than Northumberland, and of this injustice the full weight has been laid upon Cecil's shoulders. Yet, a few months after Northumberland was committed to the Tower, his brother, Sir Alan Percy, declared his opinion in a private letter that the removal of Cecil from the Council would be a blow by which the position of the Earl would only be changed for the worse.[1]

When the order was issued for stopping Raleigh's journey, Cecil probably thought that he had only done a justifiable act in keeping an unprincipled rival away from the King. But more than this was necessary. It was important that the Council should have someone by the King's side who might act for them as occasion might arise. For this purpose they selected Lord Henry Howard.

Lord Henry Howard.

Of all who gathered round the new King, this man was, beyond all comparison, the most undeserving of the favours which he received. He was a younger son of that Earl of Surrey whose death had been the last of the series of executions which marked the reign of Henry VIII. ; and his brother, the Duke of Norfolk, had expiated upon the scaffold the treason which he had meditated for the sake of the fair face of the Queen of Scots. His nephew was that Earl of Arundel who had died in the prison in which he was confined by order of Elizabeth, and who was reverenced as a martyr by the English Catholics. His religion was that which openly or secretly had been the religion of his family. But with this he joined a reverence for the royal prerogative, which had certainly never been felt by his kinsmen. There were, indeed, men among the

[1] Sir A. Percy to Carleton, Sept. 4, 1606, *S. P. Dom.* xxiii.

Catholic lords, such as the Earl of Worcester, whose loyalty was unimpeached. But Howard would not be content with the unobtrusive performance of duties with which these men had been satisfied. In an age when what we should call the grossest flattery was used as frequently as phrases of common civility are by us, he easily bore away the palm for suppleness and flattery. Long ago he had attached himself to James, and he had been by him recommended to Cecil. It would be curious to know how far the feeling with which Cecil regarded Raleigh was owing to the influence of so worthless a companion. Certain it is that Howard hated Raleigh with a perfect hatred, and that Cecil's estrangement from that great man began about the time when he was first brought into close communion with Howard. Yet with all his faults, the man was no mere empty-headed favourite. He was possessed of considerable abilities, and of no small extent of learning. He took his share in the duties of government with credit, but, as long as Cecil lived, he was obliged to be content to play a secondary part.

A few days later Cecil himself went down to meet the King. He had not been with him long before Raleigh learned that he was not to retain his position as Captain of the Guard. There can be little doubt that James was guided in this step by Cecil and Howard. On the other hand, it was natural enough that he should wish to see a post of such importance about his own person in the hands of one of his countrymen. Raleigh himself was allowed to see the King at Burghley, where he probably did his utmost to throw blame on his rivals. James, however, paid little attention to his pleadings, and it was not long before Raleigh received a formal announcement that the command of the Guard was given to Sir Thomas Erskine, who had already filled the same office in Scotland. Raleigh was compensated for his loss by the remission [1] of a payment of 300*l.* a year, which had been charged upon his government of Jersey, and of large arrears of debt which he owed to the Crown.[2]

April 15. Raleigh dismissed from the Captaincy of the Guard.

[1] Cecil to Windebank, May 21, *S. P. Dom.* i. 93.

[2] The existence of a memoir by Raleigh against Cecil rests upon a note of Welwood's to Wilson's James I., in *Kennet*, ii. 663. He says he had

The removal of Raleigh from the Captaincy of the Guard was only one of the changes in favour of Scotchmen by which in the early days of the new reign the court was agitated. As yet, however, it was a mere courtiers' question, in which the nation took little part. All the great offices of State were still in the hands of Englishmen. One Scotchman, indeed, Lord Kinloss, became Master of the Rolls; another, Sir George Hume, became Chancellor of the Exchequer and Master of the Wardrobe. But there, so far as public offices were concerned, the promotions which fell to the share of James's countrymen ceased. The seats which some of them received in the Privy Council were, for the most part, little more than honorary, and do not seem to have given them any great influence over the conduct of affairs. It was as Gentlemen of the Bedchamber, as Masters of the Harriers, and as holders of similar posts about the King's person, that they provoked the wrath of Englishmen

May. Quarrels between Scotch and English.

seen a MS. of Buck, who was secretary to Egerton, in which he mentions this memorial. This evidence has not been thought by Raleigh's admirers to be very good, but it seems to be put beyond doubt by a passage in a despatch of Beaumont to Villeroi, $\frac{\text{April } 22,}{\text{May } 2,}$ 1603 (*King's MSS.* 123, fol. 94 b). He says that Raleigh had been dismissed, 'dont le dite Sieur Rallé est en une telle furie, que partant pour aller trouver le Roy, il a protesté de luy declarer et faire voir par escrit tout la caballe, et les intelligences qu'il dit que le Sieur Cecil a dressées et conduittes à son préjudice.' Another story of Raleigh I have less belief in. Osborne speaks of him, in common with Cobham and Fortescue, as wishing, apparently before the proclamation of the morning of March 24, 'to bind the King to articles' which were in some way to be directed against the advancement of Scotchmen. This has been magnified into a constitutional opposition, which it certainly was not, as the Council had no constitutional power to bind the King, and anything they might do would have been treated by James as a dead letter. Raleigh, too, does not seem to have been present, as his name does not appear among those who signed the proclamation, though he was admitted at a consultation in the evening, and signed the letter to the King, then written (*Spottiswoode*, Spottiswoode Society's edition, iii. 133). Perhaps the story is founded on some language used by Raleigh after he was superseded by Erskine. Fortescue also had to make room for Sir George Hume as Chancellor of the Exchequer, which would account for the introduction of his name.

who aspired to these positions. It was not till the sums which should have been applied to national purposes were squandered upon favourites of both nations that the discontent became general. Cecil did his best to put an end to these quarrels, but he did not meet with much success.

Grievances of the English Catholics.

The evils under which the English Catholics laboured were of no ordinary description. In the first place, not only was all public celebration of their worship interdicted, but the mere fact of saying mass was sufficient to bring the priest under the penalties of treason, and those penalties were extended to all who should assist or 'comfort him,' as the law expressed it. As there were no Catholics who had not at some time or another been present at a mass, the power of the Government to send the whole number of them to execution was only limited by the difficulties of obtaining evidence. If they failed in this, the Ecclesiastical Courts could always issue an excommunication for simple recusancy, or abstaining from attendance upon the Church by law established, and upon this the Civil Courts were empowered to commit the recusant to prison until he submitted. Of course, these harsh measures were only very sparingly employed. But if the penalty did not fall upon all who were threatened, it was kept constantly hanging over their heads, and the Catholics were always liable to arbitrary imprisonments and fines, of which they did not dare to complain, as they were allowed to escape without suffering the full penalty of the law.

The recusancy fines.

But, besides all this, there was a regular system of fines for recusancy authorised by statute. In the first place, all recusants who had sufficient property were liable to a fine of 20*l.* a month. Of those who were so liable at the death of Elizabeth the number was only sixteen. Those who could not pay such large sums forfeited, if the Government chose to exact the penalty, two-thirds of their lands until they conformed. This land was leased out by Commissioners appointed by the Crown for the purpose, and the lessee paid a certain rent into the Exchequer. There still remained another mode of reaching those who had no lands to lose, as the goods and chattels of any person convicted of recusancy might be

taken possession of by the Crown. Hard as this treatment was, it was made worse by the misconduct of the constables and pursuivants, whose business it was to search for the priests who took refuge in the secret chambers which were always to be found in the mansions of the Catholic gentry. These wretches, under pretence of discovering the concealed fugitives, were in the habit of wantonly destroying the furniture or of carrying off valuable property. It was useless to complain, as there were few, if any, Catholics who had not given the law a hold upon them by the support given to their priests.

Hopes of better treatment by James.

Under such an abominable system, it is no wonder that the Catholics were anxious for any change which might improve their condition, and that they were hardly likely to acquiesce in the doctrine that they were only punished for treason, and not for religion. It was natural, therefore, that both the Pope and the English Catholics should look with hopefulness to the new reign. Both the declarations which James had made, and the manner in which he had acted in Scotland, made many of them expect to find a protector in him.

Lindsay's mission to Scotland.

As Elizabeth's reign drew to a close, Pope Clement VIII., in response to the letter which had been brought to him by Drummond, and which he believed to have emanated from James himself,[1] thought of despatching the Bishop of Vaison to Scotland.[2] In order, however, to be thoroughly sure of his ground, he took advantage of a visit which Sir James Lindsay, a Scottish Catholic, was preparing to make to his native country, to sound James on his intentions towards the Catholics. Lindsay brought with him a complimentary letter from Clement to the King. He was also directed to assure James that the Pope was ready to thwart any designs which might be entertained by the English Catholics in opposition to his claim to the throne, and to invite him, if he would not himself forsake the Protestant faith, at least to allow his eldest son to be educated in the Catholic religion. If this

[1] See p. 80.

[2] James to Elizabeth, *Correspondence of Elizabeth and James VI.*, 153.

were done, Clement was ready to place a large sum of money at James's disposal.[1] To this message James returned a verbal answer, giving to Lindsay at the same time a paper of instructions for his guidance. In these he was directed to tell the Pope that 'the King could not satisfy his desire in those particular points contained in his letter.' He was much obliged to him for his offers to befriend him, and hoped to be able to return his courtesy. He would never dissemble his own opinions, and would never reject reason whenever he heard it.[2] Lindsay was prevented by illness from returning, and the Pope received no answer to his proposal till after the crisis had passed.[3]

The breves to the English Catholics.

The Pope, indeed, before he was aware of James's favourable intentions, had sent two breves to Garnet, the Provincial of the English Jesuits, in which directions were given that, as soon as Elizabeth died, the Catholics should take care that, if possible, no one should be allowed to succeed except one who would not only grant toleration, but would directly favour the Catholic religion.[4] When Garnet

[1] The King to Parry, Nov. 1603. The Latin letter sent to be communicated to the Nuncio is printed in Tierney's *Dodd.* iv. App. p. lxvi. The draft in English is amongst the *Hatfield MSS.* 112, fol. 150. Compare Cranborne to Lennox, Jan. 1605, *S. P. France.* The proposal about Prince Henry's education had first been broached in the pretended commission of Pury Ogilvy.—*S. P. Scotland*, lviii. 81.

[2] Instructions, Oct. 24, 1602, *S. P. Scotl.* lxix. 20. There can be no reasonable doubt that these instructions were actually given in Scotland.

[3] In the spring of 1603 the Bishop of Vaison was in Paris. There is a curious account in a letter of the Laird of Indernyty to James ($\frac{\text{Jan. 30,}}{\text{Feb. 9,}}$ 1603, *S. P. Scotl.* lxix. 56, i.), of a conversation between himself, the Bishop, and the Nuncio at Paris. The Nuncio was doubtful as to James's intentions, and said 'he would suspend his judgment till Sir J. Lindsay returned.' This shows that no message had been sent by another hand upon Lindsay's illness, as would have been the case had James been anxious to win the Pope by hypocritical promises.

[4] Garnet's examinations in Jardine s *Gunpowder Plot*, App. p. iii., throw back the date of the breves. Their nguage does not suit with an intention to allow James's claim, but the Pope may have desired to alter his language as soon as he knew what James's intentions were. There is a note written by the Pope in the margin of Degli Effetti's letter of $\frac{\text{June 30,}}{\text{July 10,}}$ 1603, in which it is suggested that Clement may have written letters before

received these breves, early in 1602, he was at White Webbs, a house frequented by the Jesuits, in Enfield Chase. He was there consulted by Catesby, Tresham, and Winter, men whose names afterwards became notorious for their connection with the Gunpowder Plot, as to the propriety of sending one of their number to the King of Spain, in order to induce him to attempt an invasion of England. Winter was selected, and though Garnet, according to his own account, disapproved of these proceedings, he gave him a letter of introduction to Father Cresswell, at Madrid. Winter found a good reception in Spain; but Elizabeth died before any preparations were made. Garnet either saw that there was no chance of resisting James, or was satisfied that the lot of the Catholics would be improved under his sceptre, and burnt the breves.[1] Another mission was sent to Spain, but the King was now anxious for peace with England, and would give no assistance.

Letters of Northumberland.

Towards the end of 1602, or in the beginning of the following year, an attempt was made in another quarter to obtain a direct promise of toleration from James. Northumberland did not care much about religion himself, but he was closely connected with several Catholics, who urged him to obtain a promise from the King that he would do something to improve their condition. He accordingly sent one of his relations, Thomas Percy, to James, with a letter, in which, after professing his own loyalty and giving him much good advice, he added that 'it were pity to lose so good a kingdom for not tolerating a mass in a corner.'[2] Percy, on his return, gave out that toleration had been promised by James. In the King's written answer to Northumberland,

Elizabeth's death to authorise assistance being given to a Catholic insurrection. In this note the Pope says: 'Non le habbiamo scritte nè a quel tempo nè a questo, anzi tutto il contrario.'—*Roman Transcripts, R. O.*

[1] Tierney's *Dodd.* iv. App. p. ii.

[2] *Correspondence of James VI. with Sir R. Cecil*, 56. The identification of this letter with the one sent by Percy rests partly upon James's description of the bearer in his answer (p. 61), and partly on a reference to that answer in Coke's speech at Northumberland's trial.

however, not a word is to be found referring to his proposal on this subject.[1] Northumberland, who continued the correspondence, again pressed the matter upon the King. This time he received an answer. "As for Catholics," wrote James, "I will neither persecute any that will be quiet and give but an outward obedience to the law, neither will I spare to advance any of them that will by good service worthily deserve it."[2] It is plain that, though to a sanguine mind these words might seem to convey a promise of toleration, there was nothing in them really inconsistent with the deportation of every priest in England.

James's expressions after his accession.

The ease with which James's title was acclaimed in England did something to raise doubts in his mind as to the value of the services which the Catholics had offered him. "Na, na," he was heard to say, "we'll not need the Papists now."[3] But on the whole the information which reached London was such as to reassure the Catholics. James had openly declared that he would not exact the fines. He would not make merchandise of conscience, nor set a price upon faith.

May 3. James arrives at Theobalds.

James continued to hold this language during his journey southwards. On May 3 he arrived at Theobalds, a house belonging to Cecil, not far from London. His first acts were such as to increase his popularity. He ordered that Southampton, and the remainder of those who had been imprisoned for their share in the rebellion of Essex, should be set at liberty. Four days after his arrival

May 7. Monopolies called in.

he issued a proclamation concerning those monopolies which still remained in force, commanding all persons to abstain from making use of them till they could satisfy the Council that they were not prejudicial to the King's subjects. The patentees were accordingly allowed to state their case before the Council, and the greater part of the existing

[1] Unless, indeed, as Coke said, James meant to refuse it when he said that he did not intend to make 'any alteration in the state, government, or laws.' From the place which this sentence occupies in the letter, I do not think that it was intended to bear any such meaning.

[2] Degli Effetti to Del Bufalo, June $\frac{16}{26}$, *Roman Transcripts*, *R. O.*

[3] Tierney's *Dodd.* iv. App. p. 1.

monopolies were called in. No doubt this was done by the advice of the Council. That advice was also given in support of the continued exaction of the Recusancy fines, and James accordingly gave way and ordered the fines to be collected. If the Catholics, he said openly, were of a religion different from his own, they could not be good subjects.[1] Cecil was now in high favour.

The recusancy fines to be collected.

May 13. Cecil raised to the peerage.

On May 13 he was raised to the peerage by the title of Lord Cecil of Essendon. Three other barons were created at the same time. These were the first of a series of creations which raised the numbers of the House of Lords with a rapidity that would have astonished Elizabeth.

Having, at all events for the present, refused toleration to the Catholics, James turned his attention to his foreign relations. As far as England was concerned, with the exception of the disputed right to trade in the East and West Indies, there was absolutely no reason whatever for continuing the war. The failure of the Spaniards in their attempt to gain a footing in Ireland before Elizabeth died had been complete, and they could no longer cherish any hopes of success in a similar undertaking. Their new king, Philip III., sluggish and incapable as he was, was not likely to attempt to renew his father's aggressive policy, and it was known that his all-powerful minister, Lerma, was anxious to recruit by peace the exhausted strength of the kingdom. Under these circumstances there wanted little more to constitute a treaty between the two Powers than the few lines in which the simple announcement might be made that hostilities were at an end.

Peace or war with Spain.

The difficulty which stood in the way was caused by the interminable war in the Netherlands. Since the murder of the French king Henry III. the Dutch had taken advantage of the diversion which had called away the best generals and the finest soldiers of Spain to spend their strength in a vain struggle against the rising fortunes of Henry IV., and had pushed on, under the able leadership of

The war in the Netherlands.

[1] Degli Effetti to Del Bufalo, June $\frac{13}{23}$, *Roman Transcripts*, *R.O.*

Maurice, and the no less able statesmanship of Barneveld, till they had swept the Spaniards from the soil of the Seven United Provinces. At last the whole war gathered round Ostend. All the skill and vigour of the Dutch, and of their English allies under the command of Sir Francis Vere, were put forth in defence of that bulwark of the Republic. The siege had now lasted for no less than three long years. With all his military skill, Spinola was still unable to force an entrance. But the Dutch were calling loudly for assistance, and declared that, unless succour were promptly afforded, Ostend must fall, in spite of the valour of its defenders, and that after the fall of Ostend their own territory would become untenable.

The war party in England.

There was a large party in England which was desirous to fight the quarrel out with Spain. To many Englishmen Spain was the accursed power which had filled two continents with bloodshed. It was the supporter of the Pope, and of all the tyranny and wickedness under which the world was suffering. This evil power was now weakened by repeated failures. Why not strike one more blow for the cause of God, and hew the monster down? Such feelings found a spokesman in Raleigh. In a paper, which, in the course of the spring, he drew up for presentation to James, he argued with his usual ability for the good old cause. Especially, he pleaded strongly for the Dutch. They had been allies of England in the weary hours of doubt and difficulty. Together the two countries had borne the burden of the day. It was disgraceful—it was infamous—for Englishmen to desert their brothers now that hope was beginning to appear. Not long afterwards Raleigh offered to lead 2,000 men against the King of Spain at his own expense.[1]

Opinions of James.

Of the spirit of righteous indignation which had animated the Elizabethan heroes in their conflict with Spain, James knew nothing. He declared for peace immediately upon his arrival in England. He issued a proclamation forbidding the capture of Spanish prizes, and waited for the

[1] 'A Discourse touching a War with Spain.'—*Works*, viii. 299. Raleigh to Nottingham and others, Aug. Edwards' *Life of Ralegh*, ii. 271.

overtures which he expected from the Court of Spain. Besides this eagerness for peace, he was possessed with the idea that the Dutch were engaged in an unlawful resistance to their lawful king, an idea in which the bishops did their best to confirm him.[1] He was never weary of repeating publicly, to the disgust of the statesmen who had taken part in the counsels of Elizabeth, that the Dutch were mere rebels, and that they deserved no assistance from him.

Cecil's views.

It is difficult to ascertain with precision what Cecil's views really were. His father had been the advocate of a policy of peace. When Essex, at the Court of Elizabeth, was crying out for war, the aged Burghley opened a Bible, and pointed to the text: "Bloody and deceitful men shall not live out half their days." Of the memorial on the state of foreign affairs[2] which Burghley's son now presented to the King, and in which he expressed his thoughts on foreign affairs, a fragment only has been preserved. From that fragment, however, it is plain that he fully shared all Raleigh's dislike of Spain, and that he was anxious, by all possible means, to check the progress of the Spanish arms in the Netherlands. But he looked upon the whole subject with the eye of a statesman. The lost pages of the memorial probably contained the reasons why it was impossible for England to continue hostilities. He knew, as Elizabeth had known, that England could not bear many more years of war. Parliament had voted supplies with no ordinary alacrity, but even these supplies had not relieved the Queen from the necessity of raising money by extensive sales of Crown property, and by contracting loans which were waiting for a speedy repayment. The revenue of the Crown was decreasing, and with the very strictest economy it was impossible for the new King to bring even a peace expenditure within the limits of that revenue which he had received from his predecessor. If Spain was to be driven out of the Netherlands, Parliament must be prepared to vote supplies far larger than they had ever granted to Elizabeth, in times when England itself was in danger.

Financial difficulties.

[1] The King to Abbot. Wilkins's *Conc.* iv. 405.

[2] *S. P. Dom.* i. 17.

As far as we can judge by the reports of his language which have reached us through the unfriendly medium of the despatches of French ambassadors, Cecil was anxious to see a peace concluded which would relieve England from the burden of an objectless war, and at the same time, to put a check on the encroachments of Spain. The scheme which he would perhaps have preferred, had it been practicable, was the union of the whole of the seventeen provinces under an independent government, which would be strong enough to bid defiance to France as well as to Spain.[1] Such a scheme has always found favour in the eyes of English statesmen. But in 1603, the project would certainly have met with even less success than in 1814. Philip II. indeed had, shortly before his death, taken a step which was intended to facilitate such a settlement. He had made over the sovereignty of the Netherlands to his eldest daughter Isabella and her husband the Archduke Albert, a younger brother of the Emperor Rudolph II. He hoped that the rebels, as he still styled them, would be ready to come to terms with his daughter, though they were unwilling to treat with himself. But even if the Dutch had felt any inclination to submit to a Catholic Sovereign, there were especial reasons which warned them from accepting the dominion of the Archdukes, as the husband and wife were called. Their sovereignty was hampered with so many conditions, and the presence of Spanish troops at the seat of war reduced them to such practical impotence, that it was almost a mockery to speak of them as independent rulers. Besides, no children had been born to the marriage, and the reversion of their rights was vested in the Crown of Spain.

The Netherlands difficulty.

The Dutch had another plan for uniting the seventeen pro-

[1] This is undoubtedly the meaning of Rosny, when he says that Cecil, with Egerton and Buckhurst, were 'tous d'humeurs anciennes Angloises, c'est à dire ennemies de la France, peu amies de l'Espagne, et absolument portées pour faire resusciter la maison de Bourgogne.'—*Econ. Roy*, iv. 431, Col. Petitot. Mr. Motley unfortunately founded his whole account of this embassy on Sully's *Mémoires*, not having been aware that no dependence can be placed on that form of the work. His narrative is therefore thoroughly untrustworthy.

vinces under one government. Let but France and England oin in one great effort, and in the course of a year not a single Spanish soldier would be left in the Netherlands.

Was this a policy which an English Government would be justified in carrying out, certain as it was to try the energies of the nation to the utmost? The dull, demoralising tyranny of the sixteenth century had done its work too well. To form a republic which should include the Spanish Provinces would be to realise the fable of the old Italian tyrant, and to bind the living to the dead. This was no work for which England was bound to exhaust her strength.

The true policy of England undoubtedly lay in another direction. If it were once understood that no peace would be made unless the independence of the existing republic were recognised, Spain would certainly submit to the proposed terms. The free North would retain its liberty, the paralysed South would slumber on under the despotism which it had been unable or unwilling to shake off.

It was not the fault of the English Government that this inevitable settlement was postponed through so many years of war. The first embassy which arrived in England to congratulate the new King upon his accession was one from Holland. Barneveld himself had come to see if any help could be obtained from James. Cecil told him plainly that the King desired peace, but that he was ready to consider the case of the States in the negotiation. The Dutch ambassadors answered that peace with Spain was impossible for them. It was no wonder that after all the trickery which they had experienced, they should feel a dislike to enter upon a treaty with their enemy, but they can hardly have expected James to engage himself in an interminable war. Their immediate purpose was, however, to obtain succour for Ostend. Barneveld seems to have made an impression upon the susceptible mind of James, and was, perhaps, the first who induced him to doubt the truth of the sweeping condemnations which he had been accustomed to pass on the cause of the Dutch. He was told, however, that nothing could be finally settled till the arrival of the special embassy which was expected shortly from France.

The Dutch embassy.

Rosny's mission from the King of France.

The ambassador who had been chosen by Henry IV. was the celebrated Rosny, better known to us by his later title as the Duke of Sully. His main object in coming was to induce James to afford some succour to Ostend.

About the time of his arrival in England, a circumstance occurred which was more favourable to his design than any arguments which it was in his power to use. A priest named Gwynn [1] was taken at sea, and confessed to his captor that his intention in coming to England was to murder the King. The readiness with which he gave this information gives cause for a suspicion that he was not in the full possession of his senses. However this may have been, it was, at least, certain that he came from Spain, and the fright which this affair caused the King, predisposed him to listen to Rosny's stories of Spanish treachery.[2]

Rosny requested not to appear in mourning.

On the occasion of Rosny's first presentation to James, a curious incident took place. He had come prepared to put himself and his suite into mourning for the late Queen. Just as he was about to leave his apartments, he was informed that the King would be better pleased if he did not come in mourning.[3] There was nothing for it but to submit. The Frenchmen drew their own inferences as to the repute in which the great Queen was held at the court of her successor. Many months were not to pass

[1] Cecil to Parry, May 25, *Cott. MSS.* Cal. E. x. 59. Rosny to the King of France, June 24, *Econ. Roy*, iv. 329.

[2] Cecil to Parry, June 10, *S. P. Fr.* St. Aubyn to the Council, June 6. Godolphin and Harris to the Council, June 23, 1603, with enclosures, *S. P. Dom.* ii. 3, 15.

[3] James seems to have had a general dislike to anything which reminded him of death. When his son Henry was dying he left London rather than be present at the death-bed. He did not allow many weeks to pass after the death of his queen, in 1619, before he threw off his mourning, to the astonishment of the ambassadors, who had come prepared to offer their condolences. Taken separately, each of these circumstances has been interpreted as a sign of the King's feelings in the particular case. But it is more probable that his conduct was the result of a weakness which occasionally shows itself in feeble minds.

away before James would speak more reverently of Elizabeth than he was, at this time, accustomed to do. Unfortunately, when that time came, it was chiefly the errors in her policy which attracted his respect.[1]

Rosny's instructions. Rosny's instructions authorised him to use all means in his power to induce James to unite with France and the Dutch Republic in opposing the designs of Spain. Henry IV. was not indeed prepared at once to embark on a war with his powerful neighbour; but he was desirous of giving a secret support to the Dutch, and he hoped that James might be induced to pursue a similar course. If, however, it should happen that James preferred to continue the war, Rosny was to discuss the best means of carrying it on, without coming to any final resolution. He was also to propose that the alliance between the two Crowns should be strengthened by a double marriage—of the Dauphin with James's only daughter, the Lady Elizabeth; and of Prince Henry with Elizabeth, the eldest daughter of the King of France.[2]

June. Treaty with France. After some little time had been spent in negotiations, Rosny obtained from James, by a treaty signed at Hampton Court, some part of that which he had been commissioned to demand. James promised to allow the levy of soldiers in England and Scotland for the defence of Ostend, but it was agreed that Henry should defray the expenses of this force, though a third part of the cost was to be deducted from a debt which he owed to the English Government.[3] With respect to the double marriage nothing was settled. James, on one occasion, drank to the success of the future union; but all the four children were still very young, and there was no necessity of coming to any immediate decision.

On July 21 two members of the Privy Council were raised to the peerage. The Lord Keeper Egerton, who was now dignified with the higher title of Chancellor, became Lord

[1] Barlow tells us that at the Hampton Court Conference James never mentioned Elizabeth's name without adding some respectful title. He does not appear to have relapsed into his previous misplaced contempt.

[2] Sully, *Econ. Roy*, Col. Petitot, iv. 261.

[3] Dumont, *Corps Diplom.* v. part 2, p. 30.

Ellesmere; and Lord Howard of Walden, who, as well as his uncle Lord Henry, had been admitted to the Council, was created Earl of Suffolk. He had served with distinction at sea in many of the naval expeditions which had been sent forth during the latter years of the late reign. He was known as a well-meaning, easy-tempered man, of moderate talents. It is possible that Lord Henry's known attachment to the religion of his father[1] may have influenced James in selecting the nephew rather than the uncle as the first recipient of such honours amongst the family of the Howards. It was not till some months later that Lord Henry was raised to the peerage. The young head of the family, too, received back his father's lost honours, and the name of the Earl of Arundel was once more heard amongst those of the English nobility.

Creation of peers.

During the month of July the Council was busy in tracking out a Catholic conspiracy which had come to light. Among the Catholics who had visited James in Scotland before his accession to the English throne, was William Watson, one of the secular priests who had been very busy in his opposition to the Jesuits, and had taken a considerable part in the strife which had divided the English Catholics during the last years of Elizabeth's reign. A vain, unwise man, his predominant feeling was a thorough hatred of the Jesuits. "He received," as he tells us, "a gracious and comfortable answer on behalf of all Catholics known to be loyal subjects."[2] Armed with this promise, and probably exaggerating its meaning, he had busied himself in persuading the Catholic gentry to whom he had access to support James's title, and to turn a deaf ear to the machinations of the Jesuits; and he flattered himself that it was owing to his influence that

Watson's visit to James.

[1] Strictly, not the religion of his father, which was the Anglo-Catholicism of the reign of Henry VIII., with perhaps a feeling that the Catholicism of Rome was the only complete form in which it was possible to embrace the system. Lord Henry accepted the papal authority, though he attended Protestant service.

[2] The most important part of the confessions upon which this narrative rests is published in Tierney's *Dodd.* iv. App. 1. Some further particulars will be found in Beaumont's despatches.

all over England the Catholics were among the foremost who supported the proclamation which announced the accession of the new King.

After James had been proclaimed, Watson set himself to counteract the intrigues which he believed the Jesuits to be carrying on in favour of Spanish interests. The resolution of James to exact the fines was regarded by him almost in the light of a personal insult. He would become the laughing-stock of the Jesuits, for having believed in the lying promises of a Protestant King. His first thought was to gain favour with the Government by betraying his rivals. But he knew nothing of importance; and, at all costs, he must do something, it mattered not what, by which he might outshine the hated Jesuits. Shortly after he had formed this determination he fell in with another priest named Clarke. They discussed their grievances together with Sir Griffin Markham, a Catholic gentleman, who was, for private reasons, discontented with the Government, and with George Brooke, a brother of Lord Cobham, who, although he was a Protestant, had been disappointed by not obtaining the Mastership of the hospital of St. Cross, near Winchester.

Watson's anger at the exaction of the fines.

While they were talking these matters over, Markham made the unlucky suggestion that the best way to obtain redress would be to follow the example which had so often been set by the Scottish nation. The Scots, as was well known, were accustomed, whenever they were unable to obtain what they wished for, to take possession of their King, and to keep him in custody till he consented to give way. It was immediately resolved to adopt this preposterous scheme. But before such a plan could be carried into execution it was necessary to devise some means of rendering it palatable to those whom they sought to enlist in their cause. They knew that all Catholics who would be willing to take arms against the King were already under the influence of the Jesuits. To obviate this difficulty it was gravely proposed that a number of persons should be collected together under pretence of presenting a petition for toleration to the King; and it was hoped that, when the time

Markham advises the seizure of the King.

Plans of the conspirators.

came for action, the petitioners would be ready to do as they were bidden by the leaders of the movement. All who signed the petition were to swear that they would endeavour by all 'lawful means to restore the Catholic faith again in' the 'country, to conserve the life of' their 'Sovereign in safety, and to preserve the laws of' the 'land from all enemies.' They were to be bound to divulge nothing without the consent of twelve of the principal promoters of the petition. Watson afterwards acknowledged that this clause was a mere trick to bind them to complete secrecy. As the number of the chief promoters was less than twelve, such a consent could never be obtained.

With these views, Watson and his confederates dispersed themselves over the country. They expected to be able to collect a large body of men in London on June 24. These men would, as they hoped, be ready to follow their lead in everything. In order to bring together the requisite numbers, Watson was by no means sparing of falsehoods. The timid were encouraged by hearing of the thousands who were engaged in the affair, or of the noblemen who had already given in their adhesion. All, or almost all, were left under the impression that they were required to join only in the peaceful presentation of a petition.

In the early part of June, Watson, who had now returned to London, proceeded to mature his plans with the help of Markham and of a young man named Copley who had lately been admitted to his confidence. Strange to say, Brooke introduced to the plotters Lord Grey of Wilton, a hot-headed young man of high character and decided Puritanism. Grey was at that time sadly discontented at the extension of James's favour to Southampton and to others of the followers of Essex, who were his bitter enemies; and he was induced without difficulty to join in the plan for presenting a petition to James for a general toleration. Though no absolute certainty is attainable, it is probable that he was drawn on to assent, at least for a time, to the scheme for forcing the petition on James The relation between him and the other conspirators was, however, not one to endure much

Lord Grey of Wilton listens to them.

straining. Before long Watson was considering how he might get credit for himself and the Catholics, by employing Grey to seize the King, and then rescuing James from his grasp when the struggle came. Grey, on the other hand, shrank from the co-operation of his new allies, and under pretext of postponing the scheme to a more convenient opportunity, drew back from all further connection with it.

As the time for executing the scheme approached, Brooke seems to have drawn off. The plan of the confederates, indeed, was wild enough to deter any sober man from joining it.

They determine to surprise the King.

They intended to seize the King at Greenwich, on June 24. As soon as this had been effected, they were to put on the coats of the King's guards and to carry him to the Tower, as though he were going there voluntarily. When they arrived at the gate they were to tell the Lieutenant that the King was flying for refuge from traitors They took it for granted that James would be too terrified to say what the real state of the case was, and they do not seem to have imagined that the mistake could be detected in any other way. Once within the Tower, the whole kingdom would be at their feet. They would compel the King to put into their hands the forts of Berwick, Plymouth, and Portsmouth, the castles of Dover and Arundel, and any other places which they might think fit to ask for. He was to give hostages for the free use of their religion, and to consent that Catholics should have equal place, office, and estimation with Protestants in council, at court, and in the country, and that the penal laws should at once be abrogated.[1]

Watson, intoxicated with the success which his fancy pictured to him, began to talk wildly about 'displacing Privy Councillors, cutting off of heads, and getting the broad seal into his hands.'[2] He had already distributed the chief offices of state:[3] Copley was to be Secretary; Markham to be Earl Marshal; he himself was to be Lord Keeper. Even Copley

[1] Articles for Grey's defence, Nov. (15?), *S. P. Dom.* iv. 81; Edwards' *Life of Ralegh*, i. 345, 350; Tierney's *Dodd.* iv. App. p. 1.

[2] Copley's Confession, July 14, Tierney's *Dodd.* iv. App. p. x.

[3] Watson's Confession, Aug. 10, Tierney's *Dodd.* App. p. iv.

was unable to swallow this, and suggested that, at least under present circumstances, it would cause discontent if a priest were again seen presiding in Chancery, though he hoped that the times would soon return when such things might again be possible. Watson refused to listen to such an objection.

If, however, contrary to expectation, the King declined to follow their directions, he was to be treated with consideration, but to be kept a close prisoner till he granted their demands.[1] Many noblemen would be confined with him, and from time to time 'some buzzes of fear' might 'be put into their heads,' in order that they might, in their turn, terrify the King. Watson proposed that, if James still held out, he should be deposed. Copley refused to assent to such a measure, and this point seems never to have been settled amongst them.

Copley hopes to convert the King.

Whilst this question was under discussion, it occurred to Copley that it would be well to make use of the time during which the King would be in the Tower, to attempt his conversion. No doubt he would readily catch at an opportunity of displaying his theological knowledge in a public disputation. If, as was more than probable, he still declared himself unconvinced, his mind might be influenced by a trial of the respective powers of exorcism possessed by a Catholic priest and a Protestant minister, which was sure to end in the triumph of the former. Watson objected that James would certainly say that the person exorcised had only been labouring under a fictitious malady; he might also charge the successful exorcist with witchcraft, or even refuse to be present at all at such a trial. Copley answered that in that case they might fall back upon the old method of deciding quarrels, by trial by battle. Watson doubted whether it would be possible to find a champion. Upon this, Copley offered himself to undertake the combat, 'provided that it might be without scandal to the Catholic Church, upon the canon of the Council of Trent to the contrary of all duellums; and I choose the weapons, not doubting but my wife, who by the sacrament of matrimony is individually interested in my person, would (for being a

[1] Copley's Answer Aug. 1, Tierney's *Dodd.* App. p. vii. note 2.

Catholic, and the cause so much God's) quit at my request such her interest for a time, and also much less doubting but to find amongst the host of heaven that blessed Queen, his Majesty's mother, at my elbow in that hour!"

One evening, Markham came in with the news that the King intended to leave Greenwich on the 24th. They would therefore be compelled to alter their plans. He was to sleep at Hanworth on his way to Windsor. Markham said that a body of men might easily seize him there, if they took 'every man his pistol, or case of pistols.' Copley asked where either the men or the pistols were to be found. Markham was struck dumb by the inquiry, muttered something about another plan, and left the room.

Change of plans.

On the 24th, Watson's lodgings were crowded with Catholics who had come up from the country to join in presenting the petition. But their numbers were far too small to carry out the design which the heads of the conspiracy really had in view, and the day passed over without a finger being stirred against the King. The next day Markham brought them the unwelcome news that Grey had refused to have any further communication with them. Many hours had not passed before they heard rumours that the Government was aware of their plot. The whole party fled for their lives, to be taken one by one in the course of the following weeks. So utterly futile did the whole matter appear even to those who were engaged in it, that Copley and Markham decided upon putting themselves at the disposal of the Jesuits, thinking that they alone had heads clear enough to conceive any effectual scheme for the liberation of the oppressed Catholics.

June 24. The plot fails.

The Jesuits knew more about the plot than the conspirators were aware of. Some time before the appointed day arrived, Copley, uncertain whether the scheme were justifiable or not, had written to Blackwell, the Archpriest, who had been entrusted by the Pope with the charge of the secular clergy in England, to ask his advice, and he had also acquainted his sister, Mrs. Gage, with the fact that he had

Information conveyed to the Jesuits.

written such a letter.[1] Both Blackwell and Mrs. Gage were on the best terms with the Jesuits, and the information was by one or other of them conveyed to Father Gerard.

Gerard passed the knowledge on to Garnet as his superior. Between Gerard and Garnet a closer tie existed than that which ordinarily bound a Jesuit to his superior. When Gerard, who was one of the most persuasive of the Catholic missionaries, was thrown into the Tower, he had borne sore tortures rather than reveal the hiding-place of Garnet. When Gerard succeeded in making his perilous escape by swinging himself along a rope suspended over the Tower ditch, it was with Garnet that he first sought refuge.[2] The two friends were of one mind in wishing to discountenance the plot. Something, no doubt, of their resolution is due to the hostility of their order to the priests by whom it was conducted; but it must be remembered that at present the whole weight of the Society and of Pope Clement himself was thrown into the scale of submission to the King. They still hoped much from his readiness to listen to reason, and they were by no means ready to abandon their expectation of tolera tion because he had exacted the fines on one occasion.[3] Gerard, at first, contented himself with warning the conspirators to desist; but when he found his advice disregarded, he sent a message to the Government informing them of the whole conspiracy. The message, it was true, was never delivered, but this was merely because a similar communication had already been made[4] by a priest named Barneby, who was a prisoner in the Clink, and who, by Blackwell's directions, had given information to the Bishop of London, in order that he might pass it on to Cecil.[5]

Garnet and Gerard.

1597.

June, 1603. Gerard ready to betray the plot.

The discovery of the plot by the Catholics themselves had all the consequences which the Jesuits had anticipated. On

[1] Copley's Declaration, Tierney's *Dodd.* iv., App. p. iv.

[2] Morris, *Life of Gerard*, 298.

[3] This may be positively asserted to have been the case, on the evidence of the letters amongst the *Roman Transcripts, R. O.*

[4] Gerard's Narrative in Morris's *Condition of Catholics*, 74.

[5] Degli Effetti to Del Bufalo, $\frac{\text{June } 30,}{\text{July } 10,}$ July $\frac{13}{23}$.

June 17 James confidentially acquainted Rosny with his purpose of remitting the Recusancy fines.[1] Yet it was not without hesitation that James carried out his intention. Sometimes his mind dwelt more on the Catholics who had formed the plot than on those who had betrayed it. He would be very glad, he informed Rosny, to be on friendly terms with the Pope, if only he would consent to his remaining the head of his own Church. He told Beaumont, the resident French Ambassador, that, in spite of his kindness to the Catholics, they had sought his life. Beaumont replied that the conspirators were exceptions amongst a generally loyal body, and that if liberty of conscience were not allowed, he would hardly be able to put a stop to similar plots.[2] James was convinced by the Frenchman's reasoning.

June 17. James proposes to remit the Recusancy fines, (July) but hesitates.

On July 17 a deputation of the leading Catholics was heard by the Council in the presence of the King. Their spokesman was Sir Thomas Tresham, a man familiar with imprisonment and fine. "I have now," he had written a short time previously to Lord Henry Howard, "completed my triple apprenticeship of one and twenty years in direct adversity, and I shall be content to serve a like long apprenticeship to prevent the foregoing of my beloved, beautiful, and graceful Rachel ; for it seems to me but a few days for the love I have to her."[3] James listened to the pleading of the noble-hearted man, and yielded. He assured the deputation that the fines should be remitted as long as they behaved as loyal subjects. If, he added, the Catholics would also obey the law, the highest places in the State should be open to them. In other words, if they would be as base as Howard, they should sit at the Council-table, and take part in the government of England.[4] Howard, in James's language, was the tame duck by whose help he

July 17. A Catholic deputation.

James remits the fines.

[1] *Econ. Roy*, iv. 370.

[2] Beaumont to Henry IV. July $\frac{13}{23}$, *King's MSS.* 123, fol. 327 b.

[3] Jardine's *Gunpowder Plot*, 10.

[4] Degli Effetti to Del Bufalo, July $\frac{21}{31}$, *Roman Transcripts*, *R. O.*

hoped to catch many wild ones. It was evident that he had not faced the problem fairly. There were thousands of Catholics in England who resembled Tresham more than Howard, and no remission of fines was likely to be lasting if it was based on the misapprehension that toleration was only a step to a hypocritical conversion.

For the present, however, the Catholics enjoyed unaccustomed peace. The 20*l.* fines ceased at once. With the lands of which two thirds had been taken there was more difficulty, as there were lessees who had a claim on the property. Probably, however, the lessees were often friends of the owners, and in such cases there would be little difficulty in coming to an arrangement. At all events the income accruing to the Crown from this source was enormously diminished.[1]

The Catholic problem pursued James even in his own family circle. When, on July 25, the ceremony of the coronation took place at Westminster, Anne of Denmark consented to receive the crown at the hands of a Protestant Archbishop; but when the time arrived for the reception of the Communion she remained immoveable on her seat, leaving the King to partake alone. Anne, however, was not of the stuff of which martyrs are made. Enthusiastic Catholics complained that she had no heart for anything but festivities and amusements, and during the rest of her life she attended the services of the church sufficiently to enable the Government to allege that she was merely an enemy of Puritanical strictness.[2]

July 25. The Coronation.

The Queen refuses to receive the Communion.

For the present James was the more inclined to treat the Catholics well, because he had learnt that another plot was in existence in which Protestants were concerned. Brooke's participation in Watson's conspiracy had been discovered by means of the examination of the prisoners, and as soon as Cecil had learned that, he naturally suspected that Brooke's brother, Cobham, had had a hand in the mischief. In order to obtain information against Cobham, Raleigh was summoned before the Council at Windsor. There is no reason

Cobham's plot.

[1] *Receipt-Books of the Exchequer.*

[2] Degli Effetti to Del Bufalo, Aug. $\frac{1}{11}$, *Roman Transcripts, R. O.*

to suppose that Cobham had more than a general knowledge of Watson's doings, and of these Raleigh was unable to speak. Shortly after this examination, however, Raleigh wrote to Cecil, informing him that he believed that Cobham had dealings with Aremberg, the ambassador who had lately come over from the Archduke, and that he carried on his communications by means of an Antwerp merchant, named Renzi, who was residing in London. In consequence either of this letter or of Brooke's confession, Cobham was arrested. On July 17,[1] the very day on which the Catholic deputation was before the Council, Raleigh himself became suspected and was committed to the Tower.

Cobham and Raleigh arrested.

The truth of the story, which came out by degrees, will, in all probability, never be completely known. It would be labour in vain to build upon Cobham's evidence. He had no sooner stated a fact than he denied it. The only point which he succeeded in establishing was the undoubted fact that he was himself a most impudent liar. On the other hand, it is impossible to place implicit confidence in Raleigh's story, for though his veracity is unimpeachable by the evidence of such a man as Cobham, it cannot be denied that he made statements which he must have known at the time to be false. Whatever may be the truth on this difficult subject, there is no reason to doubt that Cecil at least acted in perfect good faith.[2] There was enough evidence to make Raleigh's innocence doubtful, and under such circumstances, according to the ideas of those times, the right course to take was to send the accused before a jury. Cecil's whole conduct during this affair was that of a man who looked upon Raleigh, indeed, with no friendly eye, and who believed that he was probably guilty, but who was desirous that he should have every chance of proving his innocence.[3]

[1] Extract from the journal of Cecil's secretary, *Add. MSS.* 6177.

[2] Beaumont's opinion that he acted through passion is often quoted against him, but the French ambassador had had too many diplomatic conflicts with Cecil to judge him fairly.

[3] Mr. Tytler, in his *Life of Raleigh* (Appendix F), endeavoured to prove that the whole conspiracy was a trick got up by Cecil. He first quoted

The evidence upon which the Privy Council acted was obtained from various sources. It appeared that there was a general impression among the participators in Watson's plot, which they had derived from Brooke's information, that both Cobham and Raleigh were engaged in intrigues for the purpose of dethroning the King, apparently with the object of placing Arabella Stuart upon the throne. It was also said that Cobham had talked of killing 'the King and his cubs.' This latter statement was afterwards denied by Brooke on the scaffold. He had, however, undoubtedly mentioned it to Watson. The discrepancy may either be explained by supposing that he did so with the view of driving Watson more deeply into the plot, or, as is more

Evidence against them.

the long letter of Lord Henry Howard, printed in Raleigh's Works (viii. 756), as evidence that about 1602 Howard wrote to Cecil a letter containing 'an outline of the plan afterwards put in execution, for the destruction of Cobham and Raleigh, by entrapping them in a charge of treason.' Mr. Tytler acknowledged that it was not certain that it was written to Cecil at all. But even supposing that it was, which is perhaps the most probable explanation, it is unfair to infer that Cecil partook in Howard's methods of attacking their common rivals. It is still more to the purpose to show that the letter in question contains no scheme such as was discovered in it by Mr. Tytler. It is plain, upon reading the complete passages from which he has made extracts, that Howard did not propose to entrap Raleigh and Cobham in a charge of treason, but to lead them to take part in difficult business, where they would be sure to make mistakes which might afford an opportunity of pointing out their defects to the Queen. This is miserable enough, but it is not so bad as the other recommendation would have been, nor is there any warrant for supposing that even this met with Cecil's approbation.

Mr. Tytler's second proof was founded on a letter of Brooke's, written on November 18, 1603, in which he says the following words: "But above all give me leave to conjure your Lordship to deal directly with me, what I am to expect after so many promises received, and so much conformity and accepted service performed on my part to you." From this he inferred that Cecil had used Brooke to act as a spy, and had abandoned him. Is it likely that if this had been the case Brooke would not have used stronger expressions, or that Cecil would have dared to send him to the block, knowing that he had it in his power to expose the infamy of such conduct? Brooke may very well have rendered services in past days to Cecil and received promises of favour in return.

likely, that he denied the story on the scaffold, in hopes of benefiting his brother. Whatever this conspiracy may have been, the priests knew nothing of its particulars. Brooke, however, distinctly stated that his brother had, before Aremberg's arrival, entered into communication with him, and had offered to help in procuring the peace which his master had so much at heart, if he would place at his disposal a sum of five or six hundred thousand crowns, which he would employ in gaining the services of different discontented persons.[1] A portion of this money was certainly offered to Raleigh, though, according to his own account, which there is no reason to doubt, he immediately refused it.[2] Aremberg promised to send the money to Cobham, and requested to know how it was to be transmitted, and in what manner it was to be distributed.

Cobham obtains the promise of money from Aremberg.

On Aremberg's arrival, Cobham sought him out. Whether his designs had been already formed, or whether they grew in his mind after conversation with the ambassador, is uncertain. At all events, he seems at this time to have entertained the idea of assisting Arabella to the crown, and of course also of seeing Cecil and the Howards beneath his feet. He commissioned his brother to engage her to write to the Infanta, the Duke of Savoy, and the King of Spain, in hopes of inducing them to support her title.[3]

He declares for Arabella Stuart's right to the throne.

In spite of Brooke's refusal, Cobham continued to negotiate with Aremberg, either with a view of inducing him to countenance this scheme, or in hopes of obtaining money which might be employed to distribute amongst persons who would use their influence in procuring the peace of which the King of Spain was so desirous. He even offered to undertake a mission to Spain in order to induce the King to listen to his proposals.

As these projects were gradually disclosed, the suspicions against Raleigh became stronger in the minds of the members of the Government. It was known that he had too good reasons to be discontented. He had been persuaded or

[1] Brooke's Confession, July 19, *S. P. Dom.* ii. 64.
[2] Raleigh's Examination, Aug. 13, Jardine's *Crim. Trials*, i. 425.
[3] Brooke's Confession, July 19, *S. P. Dom.* ii. 64.

compelled to resign his Wardenship of the Stannaries, and when the monopolies were suspended for examination, his lucrative patent of wine licences [1] was amongst those which were called in question. Durham House, which he had held for twenty years, had been claimed by the Bishop of Durham, and the lawyers who were consulted having given an opinion in the Bishop's favour, Raleigh had been ordered with unseemly haste to leave the house.[2] Altogether, he had lost a considerable part of his income, and such a loss was certainly not likely to put a man in good humour with the Government which had treated him so harshly. At the same time, it was well known that he was Cobham's greatest if not his only friend, and that they had for some years been engaged together in political schemes. Was it probable, it might be argued, that a man like Cobham, who had informed his brother of part, at least, of his design, should have kept his constant companion in ignorance? This reasoning had induced Cecil to send for Raleigh at Windsor. It must have received additional weight as soon as the Government heard that, after Raleigh had left them, he wrote a letter to Cobham, assuring him that he had 'cleared him of all,' and accompanied it with a message that one witness (by which he probably meant Brooke) could not condemn him.[3] It was undoubtedly suspicious. It was just such a message as would have been sent by one accomplice to another, in order to procure his silence. Cobham too, when the letter was shown him which Raleigh had written denouncing his intercourse with Aremberg, broke out into a passion, and declared that all that he had done had been done at Raleigh's instigation. His evidence, however, was invalidated by the fact that he afterwards retracted it on

Raleigh suspected.

[1] The wine licences were finally declared to be no monopoly; but, Raleigh having lost them by his attainder, they were granted to the Lord Admiral, the Earl of Nottingham.

[2] Egerton Papers, *Camd. Soc.* 376.

[3] Raleigh on his trial denied sending this message. But Keymis, who was the messenger, declared that he had carried it, thus corroborating Cobham's evidence. A man who 'endeavoured still to transfer all from his master to himself' was not likely to have invented this.—Waad to Cecil, Sept. 2, 1603, *S. P. Dom.* iii. 12.

his way from his examination, it was said, as soon as he reached the stair-foot.

Raleigh's health suffered extremely during his imprisonment; in all probability from mental rather than from physical causes. In less than a fortnight after his arrest, his spirits had become so depressed that he allowed himself to make an ineffectual attempt at self-destruction.

July. His attempted suicide.

The letter in which he took, as he supposed, a farewell of his wife, is one of the most touching compositions in the English language. He could not bear, he said, to leave a dishonoured name to her and to his son, and he had determined not to live, in order to spare them the shame. He begged her not to remain a widow; let her marry, not to please herself, but in order to obtain protection for her child. For himself he was 'left of all men,' though he had 'done good to many.' All his good actions were forgotten, all his errors were brought up against him with the very worst interpretation. All his 'services, hazards, and expenses for his country,' his 'plantings, discoveries, fights, counsels, and whatsoever else' he had done, were covered over by the malice of his enemies. He was now called 'traitor by the word of an unworthy man,' who had 'proclaimed him' to be a partaker of his vain imaginations, notwithstanding the whole course of his life had 'approved the contrary.' "Woe, woe, woe," he cries, "be unto him by whose falsehood we are lost! He hath separated us asunder; he hath slain my honour, my fortune; he hath robbed thee of thy husband, thy child of his father, and me of you both. O God! thou dost know my wrongs; know then thou, my wife and child; know then thou, my Lord and King, that I ever thought them too honest to betray, and too good to conspire against. But, my wife, forgive thou all, as I do; live humble, for thou hast but a time also. God forgive my Lord Harry,[1] for he was my heavy enemy. And for my Lord Cecil, I thought he would never forsake me in extremity; I would not have done it him, God knows." He then went on to assure his wife that he did not die in despair of God's mercies. God had not left him,

[1] Certainly, I think, Howard. Mr. Brewer thinks Cobham.

nor Satan tempted him. He knew it was forbidden to men to destroy themselves, but he trusted that that had reference only to those who made away with themselves in despair.

"The mercy of God," he continues, "is immeasurable, the cogitations of men comprehend it not. In the Lord I have ever trusted, and I know that my Redeemer liveth; far is it from me to be tempted with Satan; I am only tempted with sorrow, whose sharp teeth devour my heart. O God, thou art goodness itself! thou canst not be but good to me. O God, thou art mercy itself! thou canst not be but merciful to me." He then speaks of the property he has to leave and of his debts. But his mind cannot dwell on such matters. "Oh intolerable infamy!" he again cries out, "O God, I cannot resist these thoughts; I cannot live to think how I am derided, to think of the expectation of my enemies, the scorns I shall receive, the cruel words of the lawyers, the infamous taunts and despites, to be made a wonder and a spectacle! O death! hasten thee unto me, that thou mayest destroy the memory of these and lay me up in dark forgetfulness. The Lord knows my sorrow to part from thee and my poor child; but part I must, by enemies and injuries, part with shame and triumph of my detractors; and therefore be contented with this work of God, and forget me in all things but thine own honour, and the love of mine. I bless my poor child, and let him know his father was no traitor. Be bold of my innocence, for God, to whom I offer life and soul, knows it. And whosoever thou choose again after me, let him be but thy politic husband; but let my son be thy beloved, for he is part of me, and I live in him, and the difference is but in the number, and not in the kind. And the Lord for ever keep thee and them, and give thee comfort in both worlds!"[1]

Fortunately for himself, Raleigh's attempt to fly from the evils before him failed. He was to die after long years of sorrow nobly borne: but he was to die no coward's death.

[1] Raleigh to his wife. Printed by Mr. Brewer in his appendix to Goodman's *Court of King James I.* ii. 93. Who is the daughter mentioned in this letter? Apparently a natural child. Does anyone know what became of her?

During the remainder of his imprisonment he was several times examined, but his answers have not been preserved, with the exception of one or two fragments, in one of which he acknowledged that Cobham had offered him 10,000 crowns with a view to engage his services in furthering the peace, but added that he had passed the proposal by with a joke, thinking that it had not been seriously made.

Nov. 12. Taken to Winchester.

On November 12 he was brought out of the Tower to be conducted to Winchester, where the trial was to take place, in order that the persons who attended the courts might not be exposed to the plague, which was raging in London.

He passed through the streets amidst the execrations of the London mob. So great was their fury that Waad, the Lieutenant of the Tower, who had charge of him, hardly expected that he would escape out of the city alive. On the 17th he was placed at the bar, upon a charge of high treason, before Commissioners specially appointed, amongst whom Cecil and Chief Justice Popham took the most prominent parts.[1]

Nov. 17.

The Trial.

The prosecution was conducted by the Attorney-General, Sir Edward Coke, with a harsh rudeness which was remarkable even in that age, and which in the course of the proceedings called down upon him, much to his own astonishment, the remonstrances of Cecil.

The cruelty of the law of England.

A century later Raleigh might well have smiled at the evidence which was brought against him. As it was, he could have had but little hope under what, in a letter which he had written to some of the Lords of the Council,[2] he had well termed 'the cruelty of the law of England.'

[1] A story occurs in the *Observations on Sanderson's History*, which had been frequently quoted, to the effect that the jury, not being sufficiently subservient, were changed overnight. To this Sanderson replied in an *Answer to a Scurrilous Pamphlet*, p. 8, that 'it is a scandal upon the proceedings to say that the intended jury was changed overnight, for these were of Middlesex, and ordered long before to attend at Winchester.'

[2] Letter to Nottingham and other Lords in Cayley's *Life of Raleigh*, ii. 11.

In our own days everyone who takes part in a criminal trial is thoroughly impressed with the truth of the maxim, that a prisoner is to be considered innocent until he is proved to be guilty. Even the counsel for the prosecution frequently seeks to gain a reputation for fairness by reminding the jury of the existence of such a maxim. The judge repeats it, if necessary, when he sums up the evidence. The able counsel whom the prisoner is at liberty to select at his own discretion, takes good care that it is not forgotten, while every man in the jury-box has been brought up in a political atmosphere where it is counted as an axiom.

How different was the course of a criminal trial in the first years of the seventeenth century! It was not that either the judges or the juries of that age were inclined to barter their consciences for bribes, or servilely to commit injustice with their eyes open, from a fear of consequences to themselves. But they had been trained under a system which completely ignored the principle with which we are so familiar. Tacitly, at least, the prisoner at the bar was held to be guilty until he could prove his innocence. No counsel was allowed to speak on his behalf, and unless his unpractised mind could, at a moment's notice, refute charges which had been skilfully prepared at leisure, the unavoidable verdict was sure to be given against him. Such a course of proceeding was bad enough in ordinary trials; but when political questions were involved the case was far worse. In our own times the difficulty is to procure a verdict of guilty as long as there is the slightest flaw in the evidence against a prisoner. When Raleigh appeared at the bar, the difficulty was to procure an acquittal unless the defence amounted to positive proof of innocence. The causes which led to this state of things are not difficult to comprehend. We live in days when, happily, it has become almost impossible to conceive of a treason which should really shake the country. Consequently, a prisoner accused of this crime is in our eyes, at the most, a misguided person who has been guilty of exciting a riot of unusual proportions. We cannot work our minds up to be afraid of him, and fear, far more than ignorance, is the parent of

Change in the view taken of treason.

cruelty. The experience of the sixteenth century had told the other way. For more than a hundred years the Crown had been the sheet-anchor of the constitution. Treason, consequently, was not regarded simply as an act directed against the Government. It was rather an act of consummate wickedness which aimed at the ruin of the nation. A man who was even suspected of a crime the object of which was to bring the armies of Spain upon the free soil of England could never meet with sympathy, and could hardly hope for the barest justice. The feelings of men were the more irresistible when the most learned judge upon the bench knew little more of the laws of evidence and the principles of jurisprudence than the meanest peasant in the land.

As might be expected, the forms of procedure to which the prevalent feelings gave rise only served to aggravate the evil.

System of criminal procedure.

The examination of the prisoners was conducted in private. Such a system was admirably adapted for procuring the conviction of a guilty person, because he was not likely to persist in denying his crime whilst his confederates might be telling their own story against him, each in his own way. But it by no means afforded equal chances of escape to the innocent, who had no opportunity of meeting his accuser face to face, or of subjecting him to a cross-examination, and who, if he were accused of a State crime, would find in the examiners men who were by their very position incapable of taking an impartial view of the affair. In point of fact, these preliminary investigations formed the real trial. If the accused could satisfy the Privy Council of his innocence, he would at once be set at liberty. If he failed in this, he would be brought before a court from which there was scarcely a hope of escape. Extracts from his own depositions and from those of others would be read before him, supported by the arguments of the first lawyers of the day, who did not disdain to bring against him the basest insinuations, which he had at the moment no means of rebutting. The evil was still more increased by the want of any real responsibility in any of the parties concerned. When the previous depositions formed almost, if not entirely, the whole of the evidence, a jury would be likely to attach con-

siderable weight to the mere fact that the prisoner had been committed for trial. They would naturally feel a diffidence in setting their untried judgments against the conclusions which had been formed by men who were accustomed to conduct investigations of this kind, and who might be supposed, even if the evidence appeared to be weak, to have kept back proofs which for the good of the public service it was unadvisable to publish. On the other hand, the Privy Councillors would view the matter in a very different light. They would see in their inquiries nothing more than a preliminary investigation, and would throw upon the jury the responsibility which, in theory, they were bound to feel.[1] Under these circumstances, trial by jury ceased to be a safeguard against injustice. In a conjuncture when the nation and its rulers are equally hurried away by passion, or have become equally regardless of the rights of individuals, the system loses its efficacy for good.

With such prospects before him, Raleigh took his place at the bar.[2] If the feeling of the time with respect to persons charged with political offences was likely to lead to injustice, the law of high treason, as it had been handed down from older times, was such as to give full scope for that injustice. In the case of ordinary crimes, it was necessary to prove that the prisoner had actually taken part in the criminal action of which he was accused. In cases of treason it was sufficient if any one person had committed an overt act; all others to whom the treason had been confided, and who had consented to the perpetration of the crime, although they might have taken no part whatever in any treasonable action, were held to be as much guilty as the man would have been who actually led an army against the King.

The law of treason.

From this state of the law arose the great difficulty which must have been felt by every prisoner who had to defend him-

[1] "Always," wrote Cecil of Raleigh, "he shall be left to the law, which is the right all men are born to."—Cecil to Winwood, Oct. 3, 1603, *Winw.* ii. 8.

[2] The account here given is based upon the report as given in Jardine's *Crim. Trials*, compared with Mr. Edwards's collation in his *Life of Ralegh*, i. 388.

self when charged with a treason in which he had not himself taken an active share. If he had ever listened to the words of a traitor, it would not be enough for him to prove that he had not done anything which was treasonable. He could only hope for an acquittal if he could show that the state of his mind at the time when he heard the treasonable proposal was the opposite of that which would certainly be ascribed to him by everyone who took part in the trial. And even if by some extraordinary chance he was able to show that he had only concealed the treason without consenting to it, he was still liable to the harsh penalties which the law inflicted upon misprision of treason.

Coke opens the trial.

After some preliminary proceedings, the charges against the prisoner were brought forward by Coke, with his usual violence, and with his no less usual carelessness as to the value of the evidence upon which he based his assertions. He charged Raleigh with entering upon a treason which was closely connected with that of the priests, although he was unable to point out what that connection was. He had not gone far before he lost his temper. Raleigh having calmly asserted his innocence, and having offered to confess the whole of the indictment if a single charge could be proved out of the many that had been brought against him, he dared, in the presence of the man whose lifelong antagonism to Spain was notorious to every Englishman, to accuse him with being a monster with an English face but a Spanish heart; and with having plotted with Cobham to bring about the substitution of Arabella for the King by the help of a Spanish invasion. One night, he said, shortly after Aremberg's arrival, Raleigh was supping with Cobham, and after supper Cobham went with Renzi to visit the Ambassador. It was then arranged that Cobham should go into Spain, and that he was to return by way of Jersey, where he was to consult with Raleigh as to the best means of making use of the money which he hoped to procure from the King of Spain. The Attorney-General proceeded to argue in favour of the probability of this story, from Raleigh's known intimacy with Cobham, from the letter which he had written to say that he had cleared him in all of which

he had been accused, as well as from the message which he had sent to remind him that one witness could not condemn him. This message would be sufficient to account for Cobham's retractation of his accusation. Coke then proceeded to speak of an attempt which Cobham had made to antedate a letter in order to disprove the charge which had been brought against him of purposing to go abroad with treasonable intentions, and asserted, without a shadow of proof, that 'this contrivance came out of Raleigh's devilish and machiavellian policy.' Upon Raleigh's quietly denying the inferences, Coke broke out again: "All that he did," he said, "was by thy instigation, thou viper; for I thou thee, thou traitor! I will prove thee the rankest traitor in all England." Raleigh again protested his innocence, and after the Chief Justice had interposed to restore the order which had been broken by the Attorney-General, Coke proceeded to adduce his evidence. The first document read was Cobham's declaration of July 20, in which, after having been shown Raleigh's letter to Cecil in which he had suggested that Cobham's dealings with Aremberg should be looked into, he had declared that he 'had never entered into these courses but by Raleigh's instigation;' and had added that Raleigh had spoken to him of plots and invasions, though this charge was somewhat invalidated by Cobham's refusal to give any particular account of the plots of which he had spoken.

To this evidence, such as it was, Raleigh immediately replied. This, he said, addressing the jury, was absolutely all the evidence that could be brought against him. He protested that he knew nothing either of the priests' plot, or of any design to set Arabella upon the throne. If he suspected that there was anything passing between Aremberg and Cobham, it was because he knew that they had had confidential communication with one another in former times, and because one day he saw him go towards Renzi's lodging. He then appealed to the jury to consider how unlikely it was that he should plot with such a man as Cobham. "I was not so bare of sense," he said, "but I saw that if ever the State was strong and able to defend itself, it was now. The kingdom of Scotland united, whence we were wont to fear all our troubles;

Ireland quieted, where our forces were wont to be divided; Denmark assured, whom before we were wont to have in jealousy; the Low Countries, our nearest neighbours, at peace with us; and instead of a Lady whom time had surprised we had now an active King, a lawful successor to the crown, who was able to attend to his own business. I was not such a madman as to make myself in this time a Robin Hood, a Wat Tyler, or a Jack Cade. I knew also the state of Spain well; his weakness and poorness and humbleness at this time. I knew that he was discouraged and dishonoured. I knew that six times we had repulsed his forces, thrice in Ireland, thrice at sea —once upon our coast and twice upon his own. Thrice had I served against him myself at sea, wherein for my country's sake I had expended of my own property 4,000*l*. I knew that where before-time he was wont to have forty great sails at the least in his ports, now he hath not past six or seven; and for sending to his Indies he was driven to hire strange vessels—a thing contrary to the institutions of his proud ancestors, who straitly forbad, in case of any necessity, that the Kings of Spain should make their case known to strangers. I knew that of five and twenty millions he had from his Indies, he had scarce any left; nay, I knew his poorness at this time to be such that the Jesuits, his imps, were fain to beg at the church doors; his pride so abated, as notwithstanding his former high terms, he was glad to congratulate the King, my master, on his accession, and now cometh creeping unto him for peace." Raleigh concluded by asserting that it was improbable either that the King of Spain should be ready to trust large sums of money on Cobham's bare word, or that a man of Cobham's wealth should risk it by entering into treason. But, however that might be, he protested that he was clear of all knowledge of any conspiracy against the King.

Question of the necessity of producing two witnesses.

After some further argument on the value of Cobham's evidence, the prisoner appealed to the Court against the course which was adopted by the prosecution, and demanded that at least two witnesses should be produced in open court. It was all in vain. The Chief Justice laid down the law as it was then universally under-

stood in Westminster Hall.[1] Two statutes[2] of Edward VI. had, indeed, expressly declared that no man could be convicted of treason except by the evidence of two witnesses, who, if living at the time of the arraignment, were to be produced in court. Raleigh urged that a later statute of Philip and Mary[3] held the same doctrine. Popham answered that he had omitted the important words which limited its operation to certain treasons specially mentioned in the Act. By another section of the same statute it was 'enacted that all trials hereafter to be . . . awarded . . . for any treason shall be had and used only according to the due order of the Common Laws of this realm, and not otherwise.' It is highly improbable that the legislature intended that this section should be interpreted so as to interfere with the wholesome practice of requiring two witnesses in cases of treason. At a later period a different interpretation was affixed to it by the common consent of all lawyers, who have now, for nearly two centuries, unanimously held that the statute of Edward VI. was not repealed by the subsequent Act. But in the early part of the seventeenth century all lawyers, with equal unanimity, held the contrary opinion. In 1556 the Judges had met to consult on the meaning of the Act of Philip and Mary which had then been recently passed, and had decided that it bound them to fall back upon the old custom, by which they were to be content with one accuser, who need not be produced in court. This doctrine had been repeatedly put in practice, and no remonstrance had proceeded from any quarter, excepting from the unfortunate men who had suffered from its injustice.

This objection having been thus overruled, Coke proceeded to bring forward what further evidence he had it in his power to produce. A letter of Cobham's was read, in which he acknowledged that before Aremberg's arrival he had written to him for money, and had received a promise of four or five hundred thousand crowns. As, however,

Coke produces his proofs.

[1] See Mr. Jardine's remarks, *Crim. Trials*, i. 513, and Reeve's *Hist. of Eng. Law*, iv. 495-506.

[2] 1 Ed. VI. cap. 12, and 6 Ed. VI. cap. 11.

[3] 1 & 2 Philip and Mary, cap. 10.

this appeared to be intended only to assist the progress of the negotiations for peace, Coke was obliged to go farther in order to prove that there had ever been any overt act of treason at all. For Cobham, remembering that the evidence which he gave against Raleigh might possibly be turned against himself, had, with the single exception of the general statement, which was made in the heat of passion, that Raleigh had spoken to him of 'plots and invasions,' always asserted that his dealings with Aremberg had reference solely to the negotiations. The Attorney-General was therefore forced to content himself with bringing forward Watson's evidence, such as it was, to the effect that he had heard from Brooke that his brother and Raleigh were wholly of the Spanish faction.

The confession which Raleigh had made as to Cobham's offer of 10,000 crowns [1] to himself was also read, and Keymis's examination was produced, in which he spoke of a private interview which had taken place between Cobham and Raleigh at the time when the former was receiving letters from Aremberg. To this Raleigh made no reply, but he stated that Cobham's offer had been made previously to Aremberg's arrival in England. He added that he had refused to have anything to do with it. This had taken place, he said, as he and Cobham were at dinner. Cobham had also proposed to offer money to Cecil and to Mar, to which he had replied that he had better 'make no such offer to them, for, by God, they would hate him if he did offer it.' Raleigh concluded by again pressing to be allowed to be brought face to face with his accuser.

Raleigh's account of his connection with Cobham's proceedings.

He found an unexpected support in Cecil, who, with an evident desire that Raleigh's wish might be granted, pressed the judges to declare how the law stood. They all answered that it could not be allowed. "There must not," said Popham, "be such a gap opened for the destruction of the King as would be if we should grant you this . . . You plead hard for yourself, but the laws plead as hard for the King. . . . The accuser having first confessed against himself voluntarily, and so charged another person, he

Asks again to be confronted with Cobham.

[1] P. 123.

may from favour or fear retract what formerly he hath said, and the jury may by that means be inveigled."

After some further evidence of no great value had been produced, Keymis's deposition was read, in which he confessed that he had carried a letter and a message from Raleigh to Cobham when he was in the Tower, and that he had told him that one witness could not condemn a man. Upon hearing this deposition read, Raleigh took the unfortunate step of boldly denying that he had ever sent the message, or written the letter. Keymis was not the man to have invented the story, and this unlucky falsehood of Raleigh's must have induced those who were present to give less weight to his protestations than they would otherwise have done.

Keymis's message denied by Raleigh.

Once more Raleigh besought the court to allow the production of Cobham, and, in spite of Howard's declaration that his request could not be granted, Cecil once more supported him by asking whether the proceedings might not be adjourned till his Majesty's pleasure could be known. The judges coldly answered that it could not be done.

The evidence which still remained was most irrelevant. A pilot, named Dyer, was brought into court, who swore that when he was at Lisbon he had been told by a Portuguese that the King would never be crowned, as Don Cobham and Don Raleigh would cut his throat first.

According to our ideas the case had thoroughly broken down. Not only had there been no evidence that Raleigh had ever heard of Cobham's purpose of employing the Spanish money in support of Arabella's claim, but there had been none to show that Cobham himself had ever formed such a design. It must not, however, be supposed that on the latter point the Government were not in possession of more satisfactory evidence than they were able to produce in court. They had in their hands a letter of Cobham to Arabella, in which he explained that he had requested the ambassador's good offices with the King of Spain in support of her title; and two letters of Aremberg to Cobham, in which he promised him 600,000 crowns, and had engaged to lay before the King of Spain his proposal

that the peace negotiations should be retarded and the Spanish fleet strengthened.[1] Such evidence could not be produced in court without compromising the ambassador, but it would have its weight with those who were aware of its existence, even though Raleigh was not shown to have been concerned in the matter.

Raleigh then proceeded to address the jury, begging them not to condemn him on such evidence as that which they had just heard. Serjeant Phelips said that the question lay between the veracity of Raleigh and Cobham. It was Raleigh's business to disprove the accusation, which he had failed to do. Raleigh replied, truly enough, that Cobham had disproved his own assertions by disavowing them.

Coke was proceeding to sum up the evidence when Raleigh interrupted him, and asked that, as he was pleading for his life, he might be allowed to have the last word. The Attorney-General was treating this as mere insolence, when he was checked by Cecil. Coke, unused to be compelled to respect the feelings of a prisoner, 'sat down in a

Raleigh demands the last word.

[1] The following extract from the despatch of the French ambassador seems to prove the reality of Cobham's intrigue for setting up Arabella :—"Or est-il qu'en icelle," *i.e.* his deposition, "ledit Cobham a reconnu d'avoir ouvert son dessein au Comte d'Aremberg qui estoit de persuader Madame Arbelle ainsy qu'il se publie et appert par la lettre qu'il lui escrivit laquelle ladite dame mit deslors entre les mains du Roi, qu'il a demandé audit Comte la somme de 600,000 escus pour en donner une partie aux malcontens de ce Royaume a fin de les esmouvoir a se rebeller et en envoyer un autre en Ecosse et Irlande, qu'il s'est offert d'escrire luimême au Roi d'Espagne a fin qu'il retardast la negotiation de la paix et renforcast son armée de mer attendant que selon le conseil qu'il avoit pris il pût feignant d'aller a Spa conferer avec l'archiduc, et delà passer en Espagne pour donner plus de seureté ce sa foi et de son credit, que sur toutes ces choses ledit Comte l'avoit non seulement escouté mais conforté, discourant, et s'enquèrant avec lui des moyens de les faire reussir ; qu'il lui avoit comme donné parole de 600,000 escus, et ce par deux lettres lesquelles je scai être [dans ?] les mains du Roi, et que pour le retardement de la negotiation de la paix, et de l'armée de mer, il en donneroit avis au plustot en Espagne."—Beaumont to the King of France, $\frac{\text{Nov. 26,}}{\text{Dec. 6,}}$ 1603. *King's MSS,* 124, fol. 577 b.

chafe,' and was only induced to proceed by the entreaties of the Commissioners.

After going over the depositions which had been read, he produced a letter which had been written only the day before by Cobham to the Commissioners. "I have thought it fit," the wretched man had written, "in duty to my Sovereign, and in discharge of my conscience, to set this down to your Lordships, wherein I protest, upon my soul to write nothing but what is true, for I am not ignorant of my present condition, and now to dissemble with God is no time. Sir Walter Raleigh, four nights before my coming from the Tower, caused a letter inclosed in an apple to be thrown in at my chamber window, desiring me to set down under my hand and send him an acknowledgment that I had wronged him, and renouncing what I had formerly accused him of. His first letter I made no answer to. The next day he wrote me another, praying me for God's sake, if I pitied him, his wife and children, that I would answer him in the points he set down, informing me that the judges had met at Mr. Attorney's house, and putting me in hope that the proceedings against me would be stayed. Upon this I wrote him a letter as he desired. I since have thought he went about only to clear himself by betraying me. Whereupon I have resolved to set down the truth, and under my hand to retract what he cunningly got from me, craving humble pardon of His Majesty and your Lordships for my double-dealing.

Cobham's letter to the Commissioners.

"At the first coming of Count Aremberg, Raleigh persuaded me to deal with him, to get him a pension of 1,500*l.* from Spain for intelligence, and he would always tell and advertise what was intended by England against Spain, the Low Countries, or the Indies. And coming from Greenwich one night he told me what was agreed between the King and the Low Countrymen, that I should impart it to Count Aremberg. But for this motion of 1,500*l.* for intelligence I never dealt with Count Aremberg. Now, as by this may appear to your Lordships, he hath been the original cause of my ruin, for but by his instigation I had never dealt with Count Aremberg. So also hath he been the only cause of my discontentment, I never

coming from the court, but still he filled me with new causes of discontentment. To conclude : in his last letter he advised me that I should not be overtaken by confessing to any preacher, as the Earl of Essex did, for the King would better allow my constant denial than my accusing any other person, which would but add matter to my former offence."

Never did any man appear more bewildered than Raleigh when he heard this letter read. As soon as he could recover himself, he drew another letter from his pocket. This was the one which had been written in the Tower by Cobham in reply to the urgent requests which had been conveyed to his cell by means of the apple thrown in at the window. In spite of Coke's objections it was read, at Cecil's request, to the following effect :—

Raleigh produces another letter.

" Now that the arraignment draws near, not knowing which should be first, I or you, to clear my conscience, satisfy the world with truth, and free myself from the cry of blood, I protest upon my soul, and before God and His Angels, I never had conference with you in any treason, nor was ever moved by you to the things I heretofore accused you of, and, for anything I know, you are as innocent and as clear from any treasons against the King as is any subject living. Therefore I wash my hands, and pronounce with Daniel,[1] '*Purus sum a sanguine hujus*,' and God so deal with me, and have mercy upon my soul as this is true."

Raleigh was, however, brought to confess, that although it was untrue that he had moved Cobham to procure him a pension, yet he could not deny that Cobham had mentioned it to him. This confession, coming after his denial made at Windsor, of having known anything of any plot between Cobham and Aremberg, and his subsequent letter in which he based his suspicions of Cobham simply upon his knowledge of the interview with Renzi, was calculated to do considerable damage to his cause. It was now evident that Raleigh had, to say the least of it, not been telling the whole truth. The jury therefore, after a short consultation of fifteen minutes, brought in a verdict of Guilty.

The pension.

The verdict.

[1] The 'wise young judge' of the *History of Susanna*, 46.

Sentence of death was pronounced by Popham, who probably thought he was standing on a ground of moral superiority in inveighing against the atheistical and profane opinions which he, in common with the rest of the world, believed Raleigh to have entertained.

Question of Raleigh's innocence.

If we once admit the principle, upon which the jury tacitly acted, that it was the prisoner's business to prove himself to be innocent, the whole trial resolves itself into a question of character. Difficult as it is for us to acknowledge it, it is not improbable that, with the jury, Raleigh's character for veracity stood as low as Cobham's. That this was unjust to Raleigh we know full well. We have opportunities of knowing what he really was which very few of his contemporaries enjoyed. The courtiers and statesmen with whom he mingled knew only his worst side, and their evil report was exaggerated by rumour as it spread over the land.

With unerring judgment posterity has reversed the verdict of the Winchester jury. That Raleigh was innocent of planning a Spanish invasion of England, needs no proof to those who know how deeply hatred to Spain had sunk into his soul.

Probable explanation of the facts.

Still, however, there is something that needs explanation. Raleigh was evidently not anxious to tell the whole truth. It is almost impossible to avoid the conclusion that he knew more of Cobham's plans than he chose to avow. That he even heard of the scheme of placing Arabella upon the throne, or of the Spanish invasion, may be doubted. Brooke's testimony of what his brother said is worthless; and Cobham, at least till after his own conviction,[1] never directly charged him with it. The most that he said was that Raleigh had spoken to him of plots and invasions. On the other hand, it was acknowledged by all that he had offered Raleigh bribes to engage in forwarding the peace. The story which was told by Raleigh of the manner in which he rejected the offer has the appearance of truth. But is it certain that he was not acquainted with more than he liked to say of Cobham's further intercourse with Aremberg? Was it only on the two occasions on which

[1] He did then. Cobham's Confession, Nov. 22, *S. P. Dom.* iv. 91.

money was offered that Raleigh heard anything of the secret with which the whole mind of his companion was filled? It was from Raleigh's presence that Cobham went with Renzi to Aremberg's lodgings. On another occasion Raleigh was 'below in the hall with Lord Cobham when Renzi delivered a letter from Aremberg,' and afterwards 'the Lord Cobham took Sir Walter Raleigh up into his chamber with him in private.' Is it to be believed that they went there in order to converse on indifferent subjects? Even the two apparently antagonistic letters from Cobham which caused so much astonishment at the trial are not so discrepant as they at first sight appear. In one Cobham asserts that Raleigh had not instigated him to commit treason. In the other he asserts that Raleigh had professed his readiness to accept a pension from Aremberg, to be the price of a betrayal of court secrets, and that this suggestion had first brought him into communication with the ambassador, and so had indirectly caused his ruin. Both these statements may very well have been true. Raleigh cannot have been in a gentle humour on that night when he came home from Greenwich, after seeing his rivals in the enjoyment of the sweets of power. "If it is to come to this," we can fancy his saying to Cobham on his return, "one might as well be a pensioner of Spain at once."[1] He may even have thought that, as it was certain that there was to be a peace with Spain, he might at least make money by forwarding that which he could not prevent. Of course this is mere guesswork, but it is a guess which would sufficiently account for all that followed. He suddenly is called before the Council, and on the spur of the moment denies all knowledge of Cobham's proceedings. Then, after he has gone away, he reflects that sooner or later what had happened must come to light, and he knows that he has had no real part in the treason. He writes the letter to Cecil, and Cobham is arrested and lodged in the Tower. Upon this he remembers what the English law is, making a man an offender for a thought, far more for a word, and instinctively

[1] At his subsequent trial Cobham said that Raleigh 'once propounded to him a means for the Spaniards to invade England' by sending an army to Milford Haven.—Carleton to Chamberlain, Nov. 27, *Court and Times of James I.* i. 19. This may have been true as speculative talk.

turning to the one object of stopping Cobham's mouth, he sends Keymis to him to do what he can. Alas! he had forgotten that Cobham might see the letter which had been written to Cecil. Cobham does see it, bursts into a rage, and accuses Raleigh of things of which he had never dreamed. There is nothing for it now but to deny all, to state boldly that Keymis had lied as well as Cobham, to hide as long as possible the second offer of a pension, to declare that he had never committed a venial error, lest those accursed lawyers should torture it into the foulest crime.

If Raleigh's trial is remarkable for the distinct enunciation by the judges of the harsh principles which were then in repute amongst lawyers, it is equally worthy of memory, as giving the first signal of the reaction which from that moment steadily set in in favour of the rights of individuals against the State. Many a man, who came to gloat over the conviction of a traitor, went away prepared to sympathise with the prisoner who had defended himself so well against the brutal invectives of Coke.

Impression upon the spectators.

Two days before this trial, Brooke, Markham, Copley, and another confederate named Brooksby, with the two priests Watson and Clarke, were convicted of high treason. Before the end of the week Cobham and Grey were also convicted before a court composed of thirty-one peers, in which the Chancellor presided as Lord Steward. In Cobham's defence there was no dignity or self-respect. Grey displayed conspicuous ability. When, after the verdict had been given, he was asked whether he could say anything in arrest of judgment, he candidly acknowledged that he had nothing to allege. "Yet," he added after a pause, "a word of Tacitus comes into my mind, '*Non eadem omnibus decora.*' The House of Wilton hath spent many lives in their prince's service, and Grey cannot beg his. God send the King a long and prosperous reign, and to your lordships all honour."[1]

Nov. 15. Trial of the other prisoners.

Nov. 18.

[1] Carleton to Chamberlain, Nov. 27; Cecil to Parry, Dec. 1, *Court and Times of James I.*, i. 14, 17.

Ten days later the two priests were executed, and in a week's time they were followed by Brooke, who died declaring that all that he had said was true, with the exception of the charge which he had brought against his brother of wishing that the fox and his cubs were taken away.[1]

Nov. 29. Execution of Watson and Clarke, Dec. 6. and of Brooke.

With respect to the other prisoners, the King refused to listen to any requests made to him, either by those who were desirous to save them, or by others who were anxious that they should be executed. At last, after some consideration, he determined to take a course by which he might have the benefit of hearing what their last confessions were, without putting any of them to death. Warrants were accordingly issued for the execution of Cobham, Grey, and Markham on December 10. The Bishop of Chichester was appointed to attend upon Cobham, and the Bishop of Winchester upon Raleigh, in hopes of extracting a confession at least from one of them. Both adhered to their former statements. On the appointed day the three were brought out for execution one after the other, but after each had made his declaration, he was sent down from the scaffold, in pursuance of an order which arrived from the King. Even when in instant expectation of death Cobham persisted in his assertion of Raleigh's guilt.[2] At last they were all told that the King had countermanded the execution, and had granted them their lives. Raleigh, whose execution had been fixed for a later day, was also informed that he was reprieved. With Grey and Cobham he was committed to the Tower. Markham, Copley, and Brooksby were ordered to quit the kingdom.[3] Raleigh's personal property, which had been for-

Reprieve of the other prisoners.

Dec. 10.

[1] Carleton to Chamberlain, Dec. 11, *Court and Times of James I.*, i. 27. Cecil to Winwood, Dec. 12, *Winw.* ii. 10.

[2] As he showed no cowardice on the scaffold, it has often been supposed that he knew he was not to die; on the other hand, the explanation I have adopted seems more characteristic of James.

[3] Markham took service in the Archduke's army, and at the same time acted as a spy for the English Government.

feited by his attainder, was restored to him.[1] Of the manor of Sherborne, all that fell into the King's hands was the interest which Raleigh retained in it during his life, as he had executed a conveyance shortly before the death of Elizabeth, by which he assigned the estate to trustees for the benefit of his wife and child, though reserving the profits to himself during his own life. This life-interest was granted by James to two persons nominated by himself, to be held in trust for the benefit of Lady Raleigh and her son.[2]

Fear of Jesuit plots.

From the disclosures made by the prisoners concerned in Watson's plot, James had learned that the conspiracy which had been detected formed but a small part of the dangers to which he had been exposed. Watson had declared that the Jesuits were engaged in a plot which he believed to be connected with their hopes of a Spanish invasion. Nor was this an unfounded assertion. The movements which Watson perceived were caused by the preparations made by Catesby and his friends to receive the army of the King of Spain, if he should send a favourable answer to their request.

Aug. 5. Proposals made through the Nuncios at Brussels and Paris.

Just at the time when James might well have felt anxious, Dr. Gifford arrived from Flanders, as the bearer of assurances from the Nuncio at Brussels of the strong desire of the Pope to keep the English Catholics from insurrection. The satisfaction felt by James at this announcement was increased by the reception of a letter from Sir Thomas Parry, the English ambassador in France,[3] in which he announced that he had received a message from Del Bufalo, the Nuncio in Paris, to the effect that he had received authority from the Pope to recall from England all turbulent priests. Del Bufalo further offered to James that if there remained any in his dominions, priest or

[1] Grant to Shelbury and Smith, Feb. 14, 1604. *Rymer's Fœdera*, xvi. 569.

[2] Grant to Brett and Hall, July 30, 1604. *S. P. Docquet.*

[3] Degli Effetti to Del Bufalo, $\frac{\text{Aug. 24,}}{\text{Sept. 3,}}$ *Roman Transcripts, R. O.*

Jesuit, or other Catholic, whom he had intelligence of for a practice in his State which could not be found out, upon advertisement of the names he would find means to deliver them to his justice by ecclesiastical censures.

Aug. 20.

To this communication Cecil replied by asking that the Nuncio should put his offer into writing. Del Bufalo, however, being unwilling to commit himself, preferred to ask for the appointment of a person to treat with him in Paris. After some delay he was informed by Parry that James wished the Pope to send to England a layman with whom he might informally communicate, and to give authority to persons named by himself, to recall turbulent Catholics from England on pain of excommunication.[1] Parry was also to place in the Nuncio's hands a copy of Sir James Lindsay's instructions, in order that the bearer, who was at last about to start for Rome, might not be able to enlarge upon them. About the same time another deputation of Catholics waited upon the Council, having, in all probability, been alarmed lest their cause should be injured by the detection of the late conspiracies. They were assured that the King would keep his word, and that the fines would not be exacted.[2] James, it appeared, had made up his mind, and had resolved to accord toleration to the Catholic laity. How far this toleration was to be extended to the clergy was another matter, on which, as yet, he had entered into no engagement.

Progress of the negotiation.

James renews his assurances to the Catholics.

In deciding this question James was no doubt much at the mercy of accidental occurrences. Anything which gave him personal annoyance would have considerable influence on his policy; and, unfortunately for the Catholics, before many weeks passed, James was seriously annoyed.

In the course of the summer Sir Anthony Standen had been

[1] Del Bufalo to the King, Sept. $\frac{14}{24}$; Del Bufalo to Aldobrandino, *Roman Transcripts, R. O.*; James to Parry, in Tierney's *Dodd.* iv. App. p. lxvi. and *Hatfield MSS.* 120, fol. 150; Parry to Cecil, Aug. 20; Cecil to Parry, Nov. 6, *S. P. France.*

[2] *Petition Apologetical*, p. 27.

sent by James on a mission to some of the Italian States. He was himself a Catholic, and was eager to take part in the grand scheme for reconciling England to the See of Rome. He urged upon the Pope the importance of sending an agent to England, to discuss with the King the points in dispute between the Churches, and he suggested that the mediation of the Queen might produce good effects. Anne of Denmark, in fact, though she attended the Protestant services, was secretly a Catholic, so far at least as her pleasure-loving nature allowed her to be of any religion at all, and she took great delight in the possession of consecrated objects.[1]

July. Standen's mission.

Sept. The Queen secretly a Catholic.

While Standen was in Italy he entered into communication with Father Persons, who induced the Pope to employ the messenger to carry to the Queen some objects of devotion, and who himself wrote through the same medium to some priests in England. Standen was not the man to keep a secret, and he had scarcely arrived in England when he was arrested and lodged in the Tower. The presents from the Pope were subsequently returned, through the Nuncio in Paris.[2]

Consecrated objects sent to her.

Jan. 1604. Standen imprisoned.

James was particularly annoyed at the discovery of this clandestine correspondence with his wife. With some difficulty he had induced her to receive the communion with him at Salisbury, but she had been much vexed with herself since, and had refused to do it again. On Christmas day she had accompanied him to Church, but since then he had found it impossible to induce her to be present at a Protestant service. Standen, it now seemed, had arrived to thwart him. He dismissed several of the Queen's attendants who were suspected of having come to an understanding with

Religious position of the Queen.

[1] Degli Effetti to Del Bufalo, June $\frac{13}{23}$, $\frac{16}{26}$; Persons to Aldobrandino, Sept. $\frac{18}{28}$, *Roman Transcripts*, *R. O.*

[2] Villeroi to Beaumont, $\frac{\text{Nov. } 27}{\text{Dec. } 7}$; Cecil to Parry, Jan. 24 and Feb. 4; *S. P. France*, Del Bufalo to Aldebrandino, Nov. $\frac{20}{30}$, *Roman Transcripts*, *R. O.*

Standen, and he ordered her chamberlain, Lord Sidney, the brother of Sir Philip, and himself a decided Protestant, to be assiduous in his attendance on the duties of his office.[1]

Before the impression made upon James by this untoward affair had worn away, the Nuncio received from Rome an answer to the proposal made by James, that a person should be invested with the power of excommunicating turbulent Catholics. This scheme had been warmly supported by the Nuncio at Paris. But it was not one to which the Pope could give his assent. To excommunicate Catholics at the bidding of a heretic prince was contrary to all the traditions of the Church, and Del Bufalo was therefore informed that James could not be gratified in this particular. Nor could anyone be sent to England as a representative of the Pope, for fear lest he might be drawn into political contests in which France or Spain would be interested on one side or the other.[2]

The Pope refuses to excommunicate turbulent Catholics.

That James should take umbrage at this refusal of the Pope to comply with his wishes, was only to be expected. He had, however, other reasons for reconsidering his position towards the English Catholics. As might have been expected, since the weight of the penal laws had been removed, there had been a great increase in the activity of the Catholic missionaries. In less than nine months after Elizabeth's death no less than 140 priests had landed in England, and the converts made by them were very numerous,[3] though many

Increase of the Catholics in England.

[1] Information given to Del Bufalo by a person leaving England on Jan. $\frac{11}{21}$, *Roman Transcripts*, *R. O.*

[2] So I interpret the Pope's note on Del Bufalo's despatch of Dec. $\frac{4}{14}$ (*Roman Transcripts*, *R. O.*) : 'Quanto alla facoltà di chiamare sotto pena di scomunica i turbolenti, non ci par da darla per adesso, perchè trattiamo con Heretici, e corriamo pericolo di perdere i sicuri, sì come non ci par che il Nuntio debba premere nella cosa di mandar noi personaggio, perche dubitiamo che essendo tanta gelosia tra Francia e Spagna non intrassimo in grandissima difficoltà. E meglio aspettare la conclusione della Pace secondo noi, perche non sapiamo che chi mandassimo fosse per usar la prudentia necessaria.'

[3] Dec. $\frac{13}{23}$, *Roman Transcripts*, *R. O.*

who stayed away from church now that they could do so with impunity, would doubtless have frequented the services if there had been no penalties to fear. Some months before James had given orders that a list of the recusants in each county should be drawn up.[1] When the returns came in, the increase of the numbers of the Catholics was placed beyond doubt.[2]

It was inevitable that such a position of affairs should suggest to the Government the propriety of reverting to the old measures of repression. Urged by the Privy Council,[3] and hesitating in his own mind, James, on February 22, issued a proclamation ordering the banishment of the priests by March 19. The day fixed was that of the meeting of Parliament, and it is not unlikely that the desire to anticipate awkward questions in the House of Commons had something to do with the King's resolution. There was at least nothing in the proclamation inconsistent with the policy which he had announced before leaving Scotland. Toleration to the laity combined with a treatment of the clergy which would place a bar in the way of extensive conversion was the programme which James had then announced, and which he was now attempting to carry out.

Feb. 22. The proclamation for the banishment of the priests.

It was not a tenable position. The flow of the tide of religious belief could not be regulated to suit the wishes of any Government, and James would find that he must either do more or less than he was now doing. We need not speak harshly of him for his vacillation. The question of the toleration of the Catholics was not one to be solved by a few elegant phrases

[1] This is referred to as if it had been news from England, Nov. $\frac{14}{24}$, *Roman Transcripts*, *R. O.*; but I suppose it is only the order given on June 30, which is printed in Wilkins's *Conc.* iv. 368.

[2] Only the return from Yorkshire has been preserved, and has been printed by Mr. Peacock. *A List of the Roman Catholics in the County of York in* 1604.

[3] James said to the Spanish ambassador: 'Che quelli del Consiglio gli havevano fatto tanta forza che no haveva potuto far altro, ma che no si sarebbe esseguitò con rigore alcuno.'—Del Bufalo to Aldobrandino, March $\frac{12}{22}$, *Roman Transcripts*, *R. O.*

about religious liberty. In wishing to grant toleration to those from whom he differed, James was in advance of his age, and it is no matter of astonishment if he did not see his way more clearly. It was no slight merit in a theological controversialist, such as James, to be unwilling to use compulsion if it could possibly be avoided.

CHAPTER IV.

THE HAMPTON COURT CONFERENCE AND THE PARLIAMENTARY OPPOSITION.

Consciousness of strength is the necessary condition of toleration. Whatever tended to weaken the English Church would postpone the day when those who regarded her with devotion could bear with equanimity the attacks directed against her by the Catholics. It was only natural that the Catholics themselves, who aimed not at toleration but at supremacy, should see the position of affairs in a different light.

1603. Divisions in the English Church.

Blackwell, the Archpriest, was overjoyed at the news that the Puritans and their adversaries were struggling with one another for the favour of the new King. "War between the heretics," he gleefully wrote, "is the peace of the Church."[1] That strife in which Blackwell rejoiced, all who were not under the influence of Blackwell's Church were anxious to end. Unfortunately those who wished the Church of England to be strengthened, differed as to the means by which so desirable an object was to be attained. There were some who thought that the Church would grow strong by the silencing of all who wished to deviate from its rules. There were others who believed that their relaxation would promote a nobler unity. Foremost amongst these latter stood Bacon, the great political thinker of the age. "I am partly persuaded," he wrote, "that the Papists themselves should not need so much the severity of penal laws if the sword of the Spirit were better edged, by strengthening the authority and repressing the abuses

[1] Blackwell to Farnese, Nov. $\frac{4}{14}$, *Roman Transcripts*, *R. O.*

of the Church."[1] Bacon found the root of the matter to consist in spiritual freedom under the guardianship of law. Place must be found in the ministry of the Church for all who were willing to fight the good fight, unless they shook off all bonds by which men were enabled to work together. 'The silencing of ministers,' he held, was, in the scarcity of good preachers, 'a punishment that lighted upon the people as well as upon the party.' "It is good," he wrote, "we return unto the ancient bonds of unity in the Church of God, which was, one faith, one baptism; and not, one hierarchy, one discipline; and that we observe the league of Christians, as it is penned by our Saviour Christ, which is in substance of doctrine this: 'He that is not with us is against us;' but in things indifferent and but of circumstance this: 'He that is not against us is with us.'"

If these words do not solve the difficulties of Church discipline for a time when there are differences of opinion on questions of faith as well as on questions of ceremonial, they were admirably suited to the circumstances of the moment. It was a time when it behoved every Protestant Church to close its ranks, not by the elimination of those who differed from some arbitrary standard of conformity, but by welcoming all who based their faith on the belief that truth was to be gained by search and inquiry.

In dedicating this treatise to James, Bacon laid his views before a man who was by no means incapable of appreciating them. James's mind was large and tolerant, and he was averse to the language of sectarian fanaticism. In his behaviour during the early months of his reign there were evident signs that he had pondered Bacon's advice.

Effect of Bacon's advice upon James.

James had very soon become aware that in the relations of Puritanism to the Church there was a problem to be solved as difficult as that of the toleration of the Catholics. As soon as Elizabeth's death was known, Archbishop Whitgift despatched Nevill, the Dean of Canterbury, to Edinburgh, in order to make himself acquainted with the

Nevill sent to Edinburgh.

[1] *Certain Considerations touching the better Pacification and Edification of the Church of England*, Bacon's *Letters and Life*, iii. 103.

sentiments of the new King. The messenger was soon able to report, joyfully, that James had at least no intention of establishing Presbyterianism in England.

The Millenary Petition.

On his progress towards London, James was called upon to listen to an address of a very different nature. A petition,[1] strongly supported by the Puritan clergy, was presented to him, in which their wishes were set forth.

Proposed changes in the Prayer Book.

The petition was very different from those which had been drawn up early in Elizabeth's reign, in which the abolition of Episcopacy and the compulsory introduction of Presbyterianism had been demanded. It contented itself with asking for certain definite alterations in the existing system. In the Baptismal Service interrogations were no longer to be addressed to infants; nor was the sign of the cross to be used. The rite of Confirmation was to be discontinued. It had been the practice for nurses and other women to administer baptism to newly-born infants in danger of death. This custom was to be forbidden. The cap and surplice were not to be 'urged.' Persons presenting themselves for Communion were to undergo a previous examination, and the Communion was always to be preceded by a sermon. 'The divers terms of priests and absolution, and some other used,' were to be 'corrected.' The ring was no longer to enter into the marriage service, although it might be retained in private use, as a token given by the husband to his wife.[2] The length

Commonly called the Millenary Petition, because it purported to proceed from 'more than a thousand ministers.' It was said by Fuller (*Ch. Hist.* v. 265), and it has often been repeated, that only seven hundred and fifty preachers' hands were set thereto. The fact seems to have been that there were no signatures at all to it. The petitioners, in a Defence of their Petition, presented later in the year (*Add. MSS.* 8978) distinctly say, 'Neither before were any hands required to it, but only consent.' They probably received only seven hundred and fifty letters of assent, and left the original words standing, either accidentally or as believing that the sentiments of at least two hundred and fifty out of those who had not come forward were represented in the petition.

[2] This explanation is adopted from the Defence before mentioned (fol. 36 b.)

of the services was to be abridged, and church music was to be plainer and simpler than it had hitherto been. The Lord's day was not to be profaned, and, on the other hand, the people were not to be compelled to abstain from labour on holydays. Uniformity of doctrine was to be prescribed, in order that all popish opinions might be condemned. Ministers were not to teach the people to bow at the name of Jesus; and, finally, the Apocrypha was to be excluded from the calendar of the lessons to be read in church.

These demands could not, of course, be granted as they stood. If the clergy alone were to be consulted, a large number would be found among them who would view these matters with very different eyes. The great mass of the laity, especially in country parishes, would be equally averse to the change.[1] Any attempt to enforce the alterations demanded would have stirred up opposition from one end of the country to the other. The difficulties were enormous, even if the Bishops had been inclined to look them fairly in the face. Still, something might have been done if they had been animated by a conciliatory spirit. By a little fair dealing, the peace of the Church would have been preserved far better than by any rigid enactments. That a very different spirit prevailed can cause us no astonishment. To the Elizabethan party some of the proposed changes seemed to be absolutely injurious, whilst others were only necessary in order to meet scruples which appeared to them to be childish and absurd.

The remainder of the petition was occupied by requests, the greater part of which deserved the serious consideration of all parties. The petitioners hoped that none should hereafter be admitted to the ministry who were unable to preach; that such of these who were already admitted should be compelled

[1] In *An Abridgement of that Book which the Ministers of Lincoln Diocese delivered to His Majesty*, 1605, p. 39, it is urged, in favour of abolishing the ceremonies, that 'many of the people in all parts of the land are known to be of this mind, that the sacraments are not rightly and sufficiently ministered without them.' The conclusion drawn was that such ceremonies ought not to be allowed to exist, because their use was detrimental to those who placed an idolatrous value upon them.

to maintain preachers; and that a check should be put on the abuse of non-residence. It was asked that ministers should not be required to testify by their subscription to the whole of the substance of the Prayer Book, but that it should be sufficient if they subscribed to the Articles and to the King's Supremacy. With respect to the maintenance of the clergy, the petitioners suggested that the impropriations annexed to bishoprics and colleges should hereafter be let only to those incumbents of livings who were able to preach, and who were at no future time to be called upon to pay any higher rent than that which was demanded at the time when the lease was first granted. Impropriations held by laymen might be charged with a sixth or seventh part of their worth for the maintenance of a preaching ministry. They also asked for reforms in the ecclesiastical courts, especially that excommunication should not be pronounced by lay Chancellors and officials, and that persons might not be 'excommunicated for trifles and twelvepenny matters.'[1]

Proposed reforms in the discipline of the Church.

The spirit in which this petition was met was not such as to give any hope of an easy solution of the difficulty. The Universities were the first to sound the alarm. Cambridge passed a grace forbidding all persons within the University from publicly finding fault with the doctrine or discipline of the Church of England, either by word or writing, upon pain of being suspended from their degrees. Oxford came forward with a violent answer to the petition.[2] If the Universities could have won their cause by scolding, the Puritans would have been crushed for ever. They were accused by the Oxford doctors of factious conduct in daring to disturb the King with their complaints. They were told that they were men of the same kind as those who had so often stirred up treason and sedition in Scotland, and that as for their eagerness to preach, it would have been a happy thing if the Church of

Answer by the Universities.

[1] *Collier*, vii. 267.

[2] *The Answer of the Vice-Chancellor, the Doctors, with the Proctors and other Heads of Houses in the University of Oxford, &c.* 1603. The Cambridge Grace is quoted in the epistle dedicatory.

England had never heard anything of their factious sermons or of their scurrilous pamphlets.

Their demands were treated with that cool insolence which scarcely deigns to argue with an opponent, and which never attempts to understand his case. It was taken for granted that no concessions could be made by the King unless he were prepared for the establishment of Presbyterianism, and it was argued that the hearts of the people would be stolen away from their Sovereign by preachers who would be sure to teach them that the King's 'meek and humble clergy have power to bind their King in chains, and their Prince in links of iron, that is (in their learning) to censure him, to enjoin him penance, to excommunicate him ; yea (in case they see cause) to proceed against him as a tyrant.'

In the beginning of July, James astonished the Universities by recommending them to adopt one of the proposals of the petitioners. He informed them that he intended to devote to the maintenance of preaching ministers such impropriate tithes as he was able to set aside for the purpose, and that he hoped that they would follow his example.[1] Whitgift immediately took alarm and drew up a statement for the King of the inconveniences which were likely to result.[2] Nothing more was heard of the matter. The Universities were left in peace, and the King never found himself in a condition to lay aside money for any purpose whatever.

James proposes that the Universities shall support preaching ministers.

Another step had already been taken, which shows that James had felt the weight of the latter part of the petition. On May 12 a circular was sent round by Whitgift to the Bishops, demanding an account of the number of preachers in their respective dioceses. This was followed on June 30 by another letter, requiring still more particular information.[3] They were to report on the number of communicants and of recusants in every parish, and were also to give a number of particulars

[1] King to Chancellors of the Universities, Wilkins's *Conc.* iv. 369. King to Heads of Houses, *S. P. Dom.* ii. 38.

[2] Whitgift to King, *S. P. Dom.* ii. 39.

[3] Wilkins's *Conc.* iv. 368.

respecting the clergy sufficiently minute to serve as a basis for any course which might remedy the alleged evils.

There was much in all this to raise the hopes of the Puritan ministers. James appeared ready to remove abuses in spite of the opposition of those who thought them to be no abuses at all. In the course of September a scene took place which showed him to be desirous of looking with his own eyes into matters on which the minds of ordinary Englishmen had long been made up. When he first arrived in England James had objected to touch for the king's evil. He had strong doubts as to the existence of the power to cure scrofulous disease, which was supposed to be derived from the Confessor. The Scotch ministers whom he had brought with him to England urged him to abandon the practice as superstitious. To his English counsellors it was a debasing of royalty to abandon the practice of his predecessors. With no very good will he consented to do as Elizabeth had done, but he first made a public declaration of his fear lest he should incur the blame of superstition. Yet as it was an ancient usage, and for the benefit of his subjects, he would try what would be the result, but only by way of prayer, in which he requested all present to join.[1] In after years he showed less hesitancy, and Shakspere could flatter him by telling not only how Edward had cured the sick by his touch, but how he had left 'the healing benediction' to 'the succeeding royalty.'[2]

Sept. Touching for the King's evil.

During the course of the summer, the Puritans attempted to support their views by obtaining signatures to petitions circulated among the laity.[3] A proclamation was issued in consequence, commanding all persons to abstain from taking part in such demonstrations, and giving assurance that the King would not allow the existing ecclesiastical constitution to be tampered with, though at the same time he was ready to correct abuses.

[1] Letter from England, $\frac{\text{Sept. 28,}}{\text{Oct. 8,}}$ 1603. Information given by a person leaving England on Jan $\frac{11}{21}$, 1604, *Roman Transcripts, R. O.*

[2] *Macbeth*, iv. 3.

[3] Whitgift and Bancroft to Cecil, Sept. 24, 1603, *S. P. Dom.* iii. 83, and Fuller, v. 311.

In order to obtain further information on the points in dispute, he had determined that a conference should be held in his presence between certain learned men of both parties. No one, he said, could be more ready than he was to introduce amendments wherever the existence of real evils could be proved.[1]

After several postponements, the antagonists met at Hampton Court on January 14. On the one side were summoned the Archbishop of Canterbury, eight Bishops, seven Deans, and two other clergymen. The other party were represented by Reynolds, Chaderton, Sparks, and Knewstubs. These four men had been selected by the King, and he could not have made a better choice, or one which would have given more satisfaction to the moderate Puritans. To the proceedings of the first day they were not admitted. The King wished first to argue with the Bishops, in order to induce them to accept a variety of changes, which were in the main such as Bacon would have approved.

1604. Jan. 14. The conference meets.

The first day's proceedings.

The Puritans excluded.

On the second day the case of the complainants was heard. Reynolds commenced by urging the propriety of altering some points in the Articles, and proposed to introduce into them that unlucky formulary which is known by the name of the Lambeth Articles, by which Whitgift had hoped to bind the Church of England to the narrowest and most repulsive form of Calvinistic doctrine, and thus to undo the work of Elizabeth, who had wisely stifled it in its birth. Reynolds then proceeded to demand that the grounds upon which the rite of Confirmation rested should be reviewed. This was more than Bancroft could bear. He was at this time Bishop of London, and was generally regarded as the man who was to succeed Whitgift as the champion of the existing system. He even went beyond the Archbishop, having publicly declared his belief that the Episcopal constitution of the Church was of Divine institution. In defending the cause entrusted to him, he overstepped all the bounds of decency. Interrupting the speaker, he knelt

Jan. 16. On the second day the complainants are heard.

[1] Wilkins's *Conc.* iv. 371.

down before the King and requested 'that the ancient canon might be remembered,' which directed that schismatics were not to be listened to when they were speaking against their Bishops. If there were any there who had ever subscribed to the Communion Book, he hoped that a hearing would now be refused to them, as an ancient Council had once determined 'that no man should be admitted to speak against that whereunto he had formerly subscribed.' He then proceeded to hint that, in being allowed to speak at all, Reynolds and his companions had been permitted to break the statute by which penalties were imposed on all persons depraving the Book of Common Prayer. He concluded by quoting a passage from Cartwright's works, to the effect that men ought rather to conform themselves 'in orders and ceremonies to the fashion of the Turks, than to the Papists, which position he doubted they approved, because, contrary to the orders of the Universities, they appeared before his Majesty in Turkey gowns, not in their scholastic habits sorting to their degree.'

Bancroft's interruption,

The insolent vulgarity of this specimen of episcopal wit was too much for James. Although he fully agreed with Bancroft in his dislike of Reynolds's arguments, he could not but find fault with him for his unseasonable interruption. The two parties then proceeded to discuss the disputed points as far as they related to questions of doctrine. On the whole, James showed to great advantage in this part of the conference. He had paid considerable attention to matters of this kind, and the shrewd common sense which he generally had at command, when he had no personal question to deal with, raised him above the contending parties. On the one hand, he refused to bind the Church, at Reynolds's request, to the Lambeth Articles; on the other, in spite of Bancroft's objections, he accepted Reynolds's proposal for an improved translation of the Bible.

reproved by James.

The question of providing a learned ministry was then brought forward, and promises were given that attention should be paid to the subject. The Bishop of Winchester complained of the bad appointments made by lay patrons. Bancroft, who treated the whole subject as a mere party question, took the

opportunity of inveighing against the preachers of the Puritan school, who were, as he said, accustomed to show their disrespect of the Liturgy by walking up and down 'in the churchyard till sermon time, rather than be present at public prayer.' The King answered, that a preaching ministry was undoubtedly to be preferred; but that 'where it might not be had, godly prayers and exhortations did much good.' "That that may be done," he ended by saying, "let it, and let the rest that cannot, be tolerated."

The King's position between the two parties.

The remaining points of the petition were then brought under discussion. Unless the Puritans have been much misrepresented,[1] their inferiority in breadth of view is conspicuous. If James had been merely presiding over a scholastic disputation, his success would have been complete. But, unfortunately, there were arguments which he could not hear from any who were before him. He was not called upon to decide whether it was proper that the ring should be used in marriage, and the cross in baptism. What he was called upon to decide was whether, without taking into consideration the value of the opinions held by either party, those opinions were of sufficient importance to make it necessary to close the mouths of earnest and pious preachers. Except by Bacon, this question was never fairly put before him. The Puritans wished that their views should be carried out in all parts of England,[2] and when they were driven from this ground they could only ask that respect should be paid to the consciences of the weak, a plea which did not come with

[1] With the exception of a letter of Matthews printed in Strype's *Whitgift*, App. xlv., and of Galloway's in *Calderwood*, vi. 241, and another of Montague's to his mother, *Winw.* ii. 13, our only authority is Barlow's *Sum of the Conference*. He has been charged with misrepresentation, and he evidently did injustice to the Puritan arguments which were distasteful to him, and which he did not understand. But if he had introduced any actual misrepresentation, we should certainly have had a more correct account from the other side. After all, if the arguments of the Puritans have been weakened, it is scarcely possible to find elsewhere stronger proofs of Bancroft's deficiencies in temper and character.

[2] The clause in the petition which relates to the cap and surplice is the only one which seems to ask for permission to deviate from an established order, instead of demanding a change of the order.

a good grace from men who had been anxious to bind the whole body of the English clergy in the fetters of the Lambeth Articles.[1]

The debate which had gone on with tolerable fairness since Bancroft's interruption, received another turn, from a proposal made by Reynolds, that the Prophesyings should be restored. The restoration of these meetings had been deliberately recommended by Bacon, as the best means for training men for the delivery of sermons. It is doubtful whether James could have been brought to allow them under any circumstances, but Reynolds did not give his proposal a fair chance. He coupled it with a suggestion, that all disputed points which might arise during the Prophesyings should be referred to the Bishop with his Presbyters. At the word Presbyters James fired up. He told the Puritans that they were aiming 'at a Scottish Presbytery, which,' he said, 'agreeth as well with a monarchy as God and the devil.' "Then Jack and Tom, and Will and Dick, shall meet, and at their pleasure censure me and my Council and all our proceedings. Then Will shall stand up, and say, 'It must be thus;' then Dick shall reply, and say, 'Nay, marry, but we will have it thus.' And, therefore, here I must reiterate my former speech, *le Roi s'avisera.* Stay, I pray you, for one seven years, before you demand that from me, and if then you find me pursy and fat, and my windpipes stuffed, I will perhaps hearken to you; for let that government be once up, I am sure I shall be kept in breath; then shall we all of us have work enough, both our hands full. But, Doctor Reynolds, until you find that I grow lazy, let that alone."

His anger at the mention of the word 'Presbyters.'

From his own point of view James was right. Liberty brings with it many advantages, but it certainly does not tend to enable men in office to lead an easy life. Yet natural as it

[1] The King's reply is crushing, merely regarded as an *argumentum ad hominem.* He asked, 'how long they would be weak? Whether forty-five years were not sufficient for them to grow strong? Who they were that pretended this weakness, for we require not now subscription from laics and idiots, but preachers and ministers, who are not now I trow to be fed with milk, but are enabled to feed others.'

must have seemed to him to give such an answer as this, in two minutes he had sealed his own fate and the fate of England for ever. The trial had come, and he had broken down. He had shut the door, not merely against the Puritan cry for the acceptance of their own system, but against the large tolerance of Bacon. The essential littleness of the man was at once revealed. More and more the maxim, "No Bishop, no King," became the rule of his conduct. The doctrines and practices of the Bishops became connected in his mind with the preservation of his own power. He was gratified by their submissiveness, and he looked upon the views of the opposite party as necessarily associated with rebellion.

At the moment, the self-satisfaction of the controversialist predominated even over the feelings of the monarch. "If this be all they have to say," he observed as he left the room, "I shall make them conform themselves, or I will harry them out of the land, or else do worse."

The impression produced upon the bystanders was very different from that which later generations have received. One who was present said, that 'His Majesty spoke by inspiration of the Spirit of God.'[1] Cecil thanked God for having given the King an understanding heart. Ellesmere declared that he never before understood the meaning of the legal maxim that *Rex est mixta persona cum sacerdote.* It is usual to ascribe these and similar expressions to the courtier-like facility of giving utterance to flattery. In so doing, we forget that these men were fully persuaded that James was doing right in resisting the demands of the Puritans, and that men are very ready to forget the intemperate form in which an opinion may be clothed, when the substance is according to their mind.

Two days later, the King again met the Bishops, and agreed with them upon certain alterations which were to be made in the Prayer Book. It was also determined that Commissions should be appointed for inquiring into the best mode of obtaining a preaching clergy. The

Third day's conference.

[1] Barlow ascribes this speech to one of the lords. Sir J. Harington, who was also present, assigns it to a Bishop. At the next meeting Whitgift repeated it.

Puritans were then called in, and were informed that, with a few exceptions,[1] the practices which they had objected to would be maintained, and that subscription would be enforced to the whole of the Prayer Book, as well as to the Articles and to the King's Supremacy. Chaderton begged that an exception might be made in favour of the Lancashire clergy, who had been diligent in converting recusants. The King replied that as he had no intention of hurrying anyone, time would be given to all to consider their position ; letters should be written to the Bishop of Chester, ordering him to grant a sufficient time to these men. A similar request, however, which was made on behalf of the Suffolk clergy was refused.

The decision announced.

The conference was at an end. Browbeaten by the Bishops, and rebuked in no measured or decorous language[2] by James, the defenders of an apparently hopeless cause went back to their labours, to struggle on as best they might. Yet to them the cause they defended was not hopeless, for no doubt ever crossed their minds that it was the cause of God, and it would have seemed blasphemy to them to doubt that that cause would ultimately prevail. Nor were they deprived of human consolation : many hearts would sympathise with them in their wrongs ; many a man who cared nothing for minute points of doctrine and ritual, and who was quite satisfied with the service as he had been accustomed to join in it at his parish church, would feel his heart swell with indignation when he heard that men whose fame for learning and piety was unsurpassed by that of any Bishop on the bench, had been treated with cool contempt by men who were prepared to use their wit to defend every abuse, and to hinder all reform.

Jan. 18.

James went his way, thinking little of what he had done,

[1] The proclamation giving public notice of this determination was issued on March 5, *Rymer*, xvi. 574 ; for the alterations themselves see 565.

[2] There can be no doubt that many of the excrescences have been cut off in Barlow's narrative from the King's speeches. The coarse language used by James is noticed in *Nugæ Ant.* i. 181.

and scarcely remembering what had passed, except to chuckle over the adversaries whom he had so easily discomfited by his logical prowess.[1] The Bishops too imagined that their victory was secured for ever, and rejoiced in the overthrow of their opponents. But there was at least one among them who felt that their success was more in appearance than in reality. The aged Whitgift, whose life had been passed in the heat of the conflict, discovered the quarter from which danger was to be apprehended. He hoped, he used to say, that he might not live to see the meeting of Parliament. He was at least spared that misfortune. A few weeks after the conference, his earthly career was at an end. While he was lying in his last illness, the King came to visit him. He found the old man lying almost insensible, but able to mutter a few words. All that could be heard was, '*Pro ecclesiâ Dei: pro ecclesiâ Dei.*' Narrow-minded and ungentle by nature and education, he had provoked many enemies; but he at least believed that he was working for the Church of God.

Whitgift feels doubtful of ultimate success.

Feb. 29. His last words and death.

Parliament, the very name of which had caused such anxiety to Whitgift, was a very different body from those representative assemblies which still existed upon the Continent—the mere shadows of their former selves. Many causes concurred in producing this difference. But the main cause lay in the success with which England itself had grown up into a harmonious civilisation, so that its Parliament was the true representative of a united nation, and not a mere arena in which contending factions might display their strength.

March 19. The English Parliament.

[1] The King to Northampton, *Ellis*, 3rd ser. iv. 161. Here and elsewhere this letter is said to be written to an otherwise unknown Mr. Blake. It is printed as beginning 'My faithful Blake, I dare not say, faced 3,' which is mere nonsense. In the original MS. the word is 'blake,' not commencing with a capital letter. 3 is always the cypher for Northampton in James's correspondence. What James meant was no doubt 'My faithful black, I dare not say (black) faced Northampton.' Northampton had, I suppose, objected to being called blackfaced. 'Blake' is equivalent to 'black.' In Spottiswoode, for instance, the name of the St. Andrewes' preacher, David Black, is printed Blake.

Where this process of amalgamation has not been completed, parliamentary government, in the true sense of the word, is an impossibility. When Louis XIV. astonished the world by declaring that he was himself the State, he was unawares giving utterance to the principle from which he derived his power. In the France of his day, it was the monarch alone who represented the State as a whole, and, as a natural consequence, he was able to trample at his pleasure upon the bodies in which nothing higher was to be seen than the representatives of a party or a faction. If a representative assembly is to succeed in establishing its supremacy over a whole country equal to that which is often found in the hands of an absolute monarch, it must first be able to claim a right to stand up on behalf of the entire nation. The position which was occupied by the House of Commons at the close of the reign of Elizabeth, was due to the complete harmony in which it stood with the feelings and even with the prejudices of all classes of the people.

The right of representing the people was practically confined to the higher classes, who alone could afford the expense of a residence in Westminster. But in scarcely a single instance did they owe their election, at least ostensibly, to their equals in rank. To secure a seat, it was necessary to obtain the favour of those whose interests were more or less different from their own. County members were dependent upon their poorer neighbours, who formed the mass of the forty-shilling freeholders. The borough members, with all the habits and feelings of gentlemen, were equally dependent upon the shopkeepers of the towns for which they sat. Originally, the right of voting in the boroughs had been vested in the resident householders ; but this uniformity had given way before the gradual changes which had passed over the several boroughs. In some places, the franchise had been considerably extended ; in others, it had been no less considerably narrowed. One member was chosen by almost universal suffrage ; another, by a close corporation consisting of the most respectable and intelligent inhabitants. In the smaller boroughs, indeed, the selection of a representative was practi-

cally in the hands of the most influential amongst the neighbouring proprietors; but even the form of an election prevented him from nominating persons who would be altogether distasteful to those whose votes he wished to secure. The effect of this was that, except in the case of agricultural labourers, who were, perhaps necessarily, altogether excluded from the suffrage, all class legislation was impossible.

Another change, which had been silently introduced, was of still greater importance. The old rule had been relaxed, which forbade any member to sit for a place in which he was not a resident. If this rule had continued in force, the House would still have represented the popular will, but it would have been sadly deficient in intelligence and ability. Some evil, no doubt, resulted, and persons obtained seats who only owed them to the good-will of a neighbouring proprietor; but this was as nothing in comparison with the advantage which arose from the introduction into the House of a large body of men of ability, recruited especially from amongst the lawyers, who became known to the electors by the talent which they displayed at the bar. The services which this class of men rendered to the cause of freedom were incalculable. The learning of the ablest lawyers in the sixteenth century may have been small in comparison with the stores of knowledge which may be acquired in our own day; but, relatively to the general level of education, it stood far higher. A few years later a race of Parliamentary statesmen would begin to arise from amongst the country gentlemen; but, as yet, almost all pretensions to statesmanship were confined to the council-table and its supporters. For the present, the burden of the conflict in the Commons lay upon the lawyers, who at once gave to the struggle against the Crown that strong legal character which it never afterwards lost.

It was to its position as the representative of a united nation that, above all other causes, the House of Commons owed its growing desire to take a prominent part in the guidance of the nation. In struggling against the Catholics, indeed, the Government of Elizabeth had been armed by Parliament and by public opinion with

Causes of the national love of liberty.

extraordinary powers; but those powers had been required to resist the foreign enemy far more than the English Catholics themselves, who had suffered most from their exercise. Accordingly, a much smaller amount of repression had been needed than would have been required if the nation had been divided against itself. Yet even this repression had left results behind it which were likely to give much trouble. Institutions have a tendency to survive the purposes to which they owe their existence, and it was only natural that James should claim all the powers which had once been entrusted to Elizabeth. On the other hand, it was unlikely that he would be allowed to retain them without a struggle. There was no imminent danger, which made men fear to weaken the Government even when they disapproved of its action.

The House of Lords.

Between the Crown and the House of Commons the House of Lords could only play a subordinate part. It had no longer sufficient power to act independently of both. For the present it was, by sympathy and interest, attached to the Government, and it acted for some time more in the spirit of an enlarged Privy Council than as a separate branch of the legislature. It is in its comparative weakness that its real strength consists. If it had been able to oppose a barrier to the Crown, or to the Commons, it would have been swept away long ago. It has retained its position through so many revolutions because it has, from time to time, yielded to the expressed determination of the representatives of the people; whilst it has done good service more by the necessity which it imposes upon the House of Commons of framing their measures so as to consult the feelings of others besides themselves, than by the labours in which it has been itself employed.

Proclamation for summoning Parliament.

On January 11, 1604, a proclamation was issued calling upon the constituencies to send up members to a Parliament. In this proclamation, James gave his subjects much good advice, which would now be considered superfluous. He recommended them to choose men fitted for the business of legislation, rather than such as looked to a seat merely as a means of advancing their private interests. In

respect to religion, the members should be neither 'noted for superstitious blindness one way,' nor 'for their turbulent humours' on the other. No bankrupts or outlaws were to be chosen; and all elections were to be freely and openly made. Thus far no great harm was done. But the remainder of the proclamation, which owed its origin to the advice of the Chancellor, was sure to rouse the most violent opposition. The King ordered that all returns should be made into Chancery, where, if any 'should be found to be made contrary to the proclamation,' they were 'to be rejected as unlawful and insufficient.'[1]

Parliament meets.

On March 19 the Parliament met. Men felt that a crisis was at hand. Never had so many members attended in their places.[2] They came not without hopes that they would not return home until they had been allowed to sweep away at least some of the grievances of which they complained.

Since the last Parliament had met, one change had taken place which distinctly marked the altered relations which were to subsist between the Crown and the House of Commons. Elizabeth had always taken care that at least one of her principal statesmen should occupy a place amongst the representatives of the people. During the latter years of her reign this duty had devolved upon Cecil. The Secretary was now removed to the House of Lords, and he left none but second-rate officials behind him. With the exception of Sir John Herbert, the second, or, as we should say, the Under-Secretary, a man of very ordinary abilities, not a single Privy Councillor had a seat in the House. Sir Julius Cæsar, Sir Thomas Fleming, Sir Henry Montague, and a few others who either held minor offices under Government, or hoped some day to be promoted to them, were all respectable men, but

[1] *Parl. Hist.* i. 967. There are two sets of notes for the proclamation in the *Egerton Papers*, 384: one is in Popham's hand; the other, founded on it, in Ellesmere's. The latter alone contains the directions for the reference of disputed elections to Chancery, showing that this assumption originated with him.

[2] In consequence, additional seats were ordered, *C. J.* i. 141.

there was not one of them who was capable of influencing the House of Commons.

Sir Francis Bacon.

There was, however, one man in the House who might have filled Cecil's vacant place. At the commencement of this session, Sir Francis Bacon stood high in the estimation of his contemporaries. Two boroughs had elected him as their representative. His fellow-members showed their appreciation of his abilities by entrusting him with the greatest share in their most weighty business. Scarcely a committee was named on any matter of importance on which his name did not occur, and he generally appeared as the reporter, or, as we should say, the chairman, of the committee. If a conference was to be held with the House of Lords, he was almost invariably put forward to take a leading part in the argument. Nor is this to be wondered at; not only were his transcendent abilities universally recognised, but at this time all his opinions were in unison with those of the House itself. Toleration in the Church and reform in the State were the noble objects which he set before him. If James had been capable of appreciating Bacon's genius, the name of the prophet of natural science might have come down to us as great in politics as it is in philosophy. The defects in his character would hardly have been known, or, if they had been known, they would have been lost in the greatness of his achievements. For the moment, as far as his parliamentary career was concerned, he was borne onwards on the full tide of success. His errors and his fall were yet to come. It is true that his conduct at the trial of Essex had shown that he was not possessed of those finer feelings which might have saved him from many of his greatest mistakes; but, excepting to the friends of Essex himself, that conduct does not seem to have given offence. Excess of submission to Elizabeth was a fault to which Englishmen were disposed to be lenient, and the limits within which public duty ought to overrule private friendship were drawn at a very different line from that which they at present occupy. Yet with all this, he was a dissatisfied man. He had now reached the mature age of forty-four, and he had long been anxious to be in a position from which he might carry out the great policy which he knew to be necessary for

the well-being of the nation. The new King had looked coldly upon him. It is sometimes said that his share in the condemnation of Essex had told against him. But that James continued to feel respect for the memory of Essex is, to say the least of it, very problematical. However this may have been, there were other obstacles in his path. Bacon always believed that Cecil was envious of his talents. It is not improbable that the practical statesman regarded his cousin as a visionary; and Cecil had the ear of the King. Bacon retained, indeed, the title of King's Counsel, and he drew the salary, such as it was; but he was not admitted to any participation in the affairs of government.

Next to Bacon, no man enjoyed the confidence of the House more than Sir Edwin Sandys. Without any pretensions to Bacon's genius, he possessed a large fund of common sense. The friend and pupil of Hooker, he was no Puritan; but, like so many others amongst his contemporaries, he had learned to raise his voice for the toleration of those with whom he did not wholly agree.

Sir Edwin Sandys.

Of the other members, there are few who deserve especial mention. Nicholas Fuller was there, full of Puritan zeal—a hasty and, in some respects, an unwise man. Hakewill too, who in a former Parliament, when the list of monopolies was read, had called out to know if bread were among them; Thomas Wentworth, whose father had suffered for his resistance to arbitrary power in the late reign; the two Hydes, and a few others, made up a little knot of men who would not allow their voices to rest as long as the grievances of the nation were unredressed.

Fuller, Hakewill, Wentworth, and the Hydes.

Through some mistake, the Commons were not present when the King came down to the House of Lords to open the session. James, desirous that they should hear his views from his own lips, repeated to them the speech which he had already delivered in the Upper House. He told them that he was unable to thank them sufficiently for the ready welcome which he had met with on his journey into England. He had brought with him two gifts, which he trusted that they would accept in place of many words: one was peace

March 22. The King's speech.

with foreign nations—the other was union with Scotland. To the Puritans he declared himself decidedly opposed, not because they differed from him in their opinions, but because of 'their confused form of policy and parity; being ever discontented with the present Government, and impatient to suffer any superiority, which maketh their sect unable to be suffered in any well-governed commonwealth.' As to the Papists, he had no desire to persecute them, especially those of the laity who would be quiet. Since his arrival, he had been anxious to lighten the burdens of those amongst them who would live peaceably, and he had been looking over the laws against them in hopes that 'some overture' might be 'proposed to the present Parliament for clearing those laws by reason . . . in case they have been in time past further or more rigorously extended by the judges than the meaning of the law was, or might lead to the hurt as well of the innocent as of the guilty persons.' With respect to the clergy, as long as they maintained the doctrine that the Pope possessed 'an imperial civil power over all Kings and Emperors,' and as long as they held that excommunicated sovereigns might be lawfully assassinated, they should not be suffered to remain in the kingdom. Although the laity would be free from persecution they would not be allowed to win over converts to their religion, lest their numbers should increase so as to be dangerous to the liberties of the nation and the independence of the Crown. As to the laws which were to be made in Parliament, he said, "I will thus far faithfully promise unto you that I will ever prefer the weal of the body of the whole Commonwealth, in making of good laws and constitutions, to any particular or private ends of mine, thinking ever the wealth and weal of the Commonwealth to be my greatest weal and worldly felicity—a point wherein a lawful King doth directly differ from a tyrant. . . . I do acknowledge . . . that whereas the proud and ambitious tyrant doth think his kingdom and people are only ordained for the satisfaction of his desires and unreasonable appetites, the righteous and just King doth by contrary acknowledge himself to be ordained for the procuring of the wealth and prosperity of his people." It remained to be seen how far James's wisdom could embrace all the wants of his

people, and how far his temper could stand under the annoyances to which he would be subjected as soon as they ventured to oppose him.

Some time was to elapse before the Commons were able to devote their attention to those important questions relating to the Catholics and the Puritans on which James had expressed a decided opinion.

Upon their return to their own House two cases of privilege came before their notice. One of these brought up the old question of the freedom of members from arrest, though in the present case it was complicated by a further question as whether such a privilege extended to them before the day of the meeting of Parliament. Sir Thomas Sherley, the member for Steyning, had been, after his election, lodged in the Fleet, at the suit of a City tradesman. The House claimed his presence as a member, and he took his seat on May 15. This success, however, was not obtained without much difficulty. It was not until the Warden of the Fleet had been committed not only to the Tower, but to the dungeon known by the expressive name of Little Ease, and the intervention of the King himself had been obtained, that he consented to liberate the prisoner. It is gratifying to know that the filthy condition in which the dungeon was found was excused to the House on the ground that it had not been used for many years.[1]

Sherley's case of privilege.

March 15.

May 15.

The other case was of much greater importance, as it at once brought the House, in spite of itself, into collision with the Crown. Sir Francis Goodwin had been elected for Buckinghamshire, where he owed his seat to the votes of the smaller freeholders, his opponent, Sir John Fortescue, a Privy Councillor, having been supported by the gentry of the country. In accordance with the King's proclamation, the Court of Chancery had declared the election void, on the ground that Goodwin was an outlaw; and upon a second election, Fortescue had been chosen to the place which was thus supposed to be vacant. On the day after the matter had been moved

Goodwin's case.

[1] *C. J.* passim from March 22 to May 22, i. 149–222.

in the House, Goodwin was summoned to the bar, and, as soon as his case had been heard, he was ordered to take his seat.

A few days afterwards the Lords sent a message to the Commons, asking for information on the subject. At first the Commons refused to grant their request, as being unconstitutional; but, upon a second message, informing them that the demand had been made at the King's desire, they agreed to a conference in order to justify themselves. In this conference they stated that, from the omission of certain technicalities in the proceedings taken against him, Goodwin was not an outlaw in the eye of the law; and that, even if he were, they could produce instances in which outlaws had taken their seats in the House. The King, in replying to them, took the whole affair out of the region of forms and precedents, and raised a question of constitutional law, which was a matter of life or death to the Commons. "He had no purpose," he told them, "to impeach their privilege, but since they derived all matters of privilege from him, and by his grant, he expected that they should not be turned against him. . . . By the law, the House ought not to meddle with returns, being all made into Chancery, and are to be corrected or reformed by that court only into which they were returned." He then proceeded to argue against their assertion that an outlaw could take his seat, and advised them to debate the question and to confer with the judges.

March 27.

March 28. James attacks the privileges of the Commons.

As soon as these expressions were reported to the House, the members knew that it was impossible for them to give way. Whatever might be the advantages of bringing questions of disputed elections before a regular and impartial tribunal (if such a one could be found), they knew that to yield the point to the King was equivalent to abdicating their independent position for ever. Without any settled design, James had simply proposed to make it possible for himself, or for a future sovereign, to convert the House of Commons into a board of nominees.

March 29.

It is impossible to refrain from admiring the prudence of the House in this difficulty. Mainly under Bacon's guidance they

threw aside all unimportant parts of the question, and restricted their opposition to the main point. They appointed a committee to draw up a reply to the King, and, at the same time, brought in a Bill to disable outlaws from sitting in Parliament for the future.

The Commons resist.

On April 3 the Committee, with Bacon at its head, carried up the answer of the Commons to the Upper House, and requested that it might be laid before the King. They showed that they had always decided in cases of disputed election, and they denied that they had come precipitately to a conclusion in the present instance. They refused to confer with the judges.

April 3.

Two days after this the King informed them that he had as great a desire to maintain their privileges as ever any prince had, or as they had themselves. He had seen and considered of the manner and the matter, he had heard his judges and council, and he was now distracted in judgment; therefore, for his further satisfaction, he desired and commanded, as an absolute king, that there might be a conference between the House and the judges, in the presence of his council, who would make a report to him.

April 5.

The Commons again gave way on the point of etiquette. There were signs that it was only thus that they could secure unanimity. Some of the members were frightened at James's tone. "The Prince's command," said Yelverton, "is like a thunderbolt; his command upon our allegiance is like the roaring of a lion."

This discussion with the judges, however, never took place. James acknowledged to the committee which had drawn up the reply of the House, that it was the proper judge of the returns. But he asked the Commons, as a personal favour, to set aside both the parties, and to issue a writ for a new election. It is no disparagement to them that they gave way once more. They could not suffer a great cause to be wrecked upon a question of etiquette. It was well known that Goodwin was not anxious to retain his seat. He had even attempted, at the election, to induce the electors to transfer their votes to Fortescue. To satisfy those members

A compromise.

who were reasonably jealous of compromising the dignity of the House, a letter was obtained from Goodwin, declaring his readiness to submit to the arrangement.[1]

That the substantial advantage remained with the Commons is evident from the fact that they proceeded, without opposition, to investigate two other cases of disputed election. Both the King and the House had come with credit out of the controversy. Unhappily it did not follow that a similar spirit of compromise would be shown when questions arose which involved a difference of principle.

Grievances which required redress.

Meanwhile, neither House had been idle. The Commons, especially, were bent on doing work. Questions of reform, which had been left untouched during the life of Elizabeth, were now ripe for solution. All had felt the indelicacy of pressing her for changes which she would have considered to be injurious to her rights. She had served England well enough to be humoured in her old age. But that obstacle having been removed, the representatives of the people approached these questions in no disloyal or revolutionary spirit. They did not force their demands upon James because he was weaker than his predecessor. If he had been the wisest and ablest of rulers, they would still have asked him to make the redress of grievances the first act of his reign.

March 29. Recognition of James's title.

One of the first steps taken by the Government was to introduce a Bill recognising James's title to the throne, in order, by acknowledging the principle of hereditary right, to give a final blow to any claims which might be put forward by the representatives of the Suffolk line. As a proof of loyalty, the Bill was hurried through both Houses with all possible expedition. It was read for the first time in the House of Lords on March 26, and on the 29th it had reached a third reading in the Commons.

On the same day as that on which this Bill was brought in, Cecil moved for a conference with the Lower House on the subject of the abuses of Purveyance. During the discussion

[1] *C. J.* i. 149-169; *Parl. Hist.* i. 998-1017; Bacon's *Letters and Life*, iii. 164.

in the House of Lords on this motion, a message was brought up from the Commons asking for a conference, in order that a petition might be drawn up upon the subject of Wardship. The feudal system was dead, and its relics were cumbering the ground. The abuses of Purveyance had come down from the days of the first Norman sovereigns. When each little district was self-supporting, the arrival of the King's court must have seemed like the invasion of a hostile army. Even if the provisions consumed had been paid for, the inhabitants would have had much difficulty in replacing their loss. But it frequently happened that they were taken without any payment at all. The time came, at last, when other powers made themselves heard than that of the sword; and when the representatives of the towns joined the knights and barons in Parliament, this was one of the first grievances of which they complained. Session after session new remedies were assented to by the King, and statutes were passed with a frequency which gives too much reason to suspect that they were broken as soon as made. At first the Commons contented themselves with asking that purveyors should be prohibited from appropriating to their own use money which they had received from the Exchequer for the acquittal of debts contracted in the performance of their duty.[1] Twenty-two years later they had risen in their demands, and obtained an assurance that nothing should be taken without the assent of the owner.[2] In the reign of Edward III. various statutes were made upon the subject. At one time the King promised that nothing should be taken without the owner's assent.[3] At other times he agreed that the purchases were to be appraised by the constable and four discreet men of the neighbourhood.[4] Purveyors who gave less than the price fixed were to be arrested by the town, to be put in gaol, and, upon conviction, to be dealt with as common

March 26. Purveyance and Wardship.

[1] 3 Ed. I. stat. West. 1, cap. 32.

[2] 25 Ed. I. stat. de Tallagio, cap. 2.

[3] 14 Ed. III. stat. 1, cap. 19.

[4] 4 Ed. III. cap. 3; 5 Ed. III. cap. 2; 25 Ed. III. cap. 1; 36 Ed. III. cap. 2.

thieves. In the reign of Henry VI. it was even declared that all persons had a right of openly resisting the offenders.

In spite of these, and many other similar statutes, the grievances complained of still continued unabated. The Commons drew up a Bill declaring the illegality of these abuses, but, at the same time, that there might be no complaint against their proceedings, they prepared a petition in which they proposed to lay their case before the King. They assured him that they had no wish to infringe upon his rights, but the grievances of which they complained had been declared to be illegal by no less than thirty-six statutes. They alleged that the cart-takers, whose business it was to find carriage for the King's baggage whenever he moved, were guilty of the grossest abuses in order to put money into their own pockets. They would often order the owners of eight or nine hundred carts to send them in, when two hundred would be sufficient. By this means they hoped that bribes would be offered them by the owners, who would all be anxious to obtain their discharge. Those who were unable or unwilling to pay were often detained for a week before they were allowed to go. Twopence a mile was allowed to those actually employed, which was calculated upon the distance which they had travelled to the place of loading, whilst nothing at all was given for their actual service, or for the return journey. After some hundreds of persons had bribed the officers for exemption, the remainder of the inhabitants of the county were required to make up the full number of carts. What was worse still, the cart-takers were frequently in the habit of selecting tired horses, in the expectation that the owners would be ready to pay money to let them go.

Bill brought in against the abuses of purveyors.

April 27. Petition to the King.

The purveyors themselves were quite as bad. Instead of paying for goods according to the appraisement, they were accustomed to call in strangers of their own choice to make a second valuation, and often forced upon the owners a mere fraction of the sum really due. They frequently refused to pay in ready money, and they committed to prison the constables who assisted those who stood out against their illegal proceedings. In the teeth of the prohibition of the law, they

would cut down the trees round a country gentleman's mansion. Even justices of the peace had been imprisoned for hearing cases against purveyors, although the law expressly required them to take cognisance of such matters.[1]

The King's answer.

James answered that he was desirous to remove all causes of complaint; but that he believed arrangements had been made by which such cases could not possibly recur. He wished, however, that the Commons would confer with the Council on the matter. Some of the officers of the household, who were standing by, declared that all complaints were invariably listened to, and that justice was always done.

May 8. Opinion of the Lords.

A few days after this interview, another attempt was made to obtain the co-operation of the Lords. It is characteristic of the different spirit which prevailed in the two Houses, that the Lords proposed a Sunday as the best day for the conference.[2] The Commons requested them to fix upon some other day, as they were determined not to do any business on the Sabbath. With respect to the proposed measure, the Lords showed no mercy to the purveyors, whom they spoke of as harpies. But on a most important point there was a wide difference of opinion. The Commons held that, as the abuses of which they complained were illegal, the King was not in a position to ask for compensation for abandoning them. The Lords knew that the King's expenses far surpassed his receipts. They questioned whether the King could afford to remit anything to his subjects at present, and they proposed an annual grant of 50,000*l.* in lieu of purveyance. In defence of this suggestion they took up the unlucky ground that, as there were many penal laws which the King did not press, he had a right to look to his people for some indulgence in return. In other words, the King and the nation were to regard one another as parties to a bargain; the loss of the one was to be the gain of the other. This error was destined to be the leading idea of the Kings of England through more than eighty

[1] *C. J.* i. 190; Bacon's *Letters and Life*, iii. 181.

[2] At this time Sunday was the day upon which a meeting of the Privy Council was always held after service.

weary years. They never could comprehend that, if the interests of the Sovereign were really distinct from the interests of the nation, one of the two must give way, and that such a strife could only end in their own ruin.[1]

Upon this the Commons summoned the officers of the Board of Green Cloth, who presided over the whole system, to give evidence. The answers given by these men are curious, as showing the lengths to which official persons will sometimes go. They raked up obsolete statutes to justify the grossest abuses. They asserted their right to exercise the most tyrannical power; and, whenever any charge was made against them for which even they found it impossible to invent an excuse, they boldly denied the facts. The opposition which the Commons met with in the matter of their efforts to deal with purveyance, was only equalled by the opposition which they met with in the Court of Wards.

In dealing with the question of purveyance, the House had, at least at first, been contented with lopping off the abuses; but with Wardship the case was different. The whole system was one huge abuse. But, whatever it was, it was strictly legal. It was a system by which every King of England had profited since the days of the Conqueror. There was therefore no mention of proceeding by Bill, but the Lords were asked to join in petitioning the King for leave to treat with him on the subject. The King's prerogative was unquestioned; but it was hoped that he would yield his rights in consideration of the grant of a large and certain yearly revenue. The system itself might have had some show of reason to support it in the days when feudality was still in vigour. Sovereignty brings with it, even in our own times, obligations which in some cases interfere with personal and domestic liberty; and, in the Middle Ages, every man who had a place in the feudal hierarchy was in some respects a sovereign. The ownership of land carried with it the title to command a greater or less number of men: it was, therefore, only natural that when the owner was a minor, and, in consequence, was

March. Objections to the Court of Wards.

[1] *C. J.* i. 204; *L. J.* ii. 294.

unable to take his place at the head of his vassals, the lord should take the land into his own hands, and should receive the profits, as long as there was no one to perform the duties attached to the tenure. For similar reasons, it was not repugnant to the feelings of the age, that where the heir was a female, the lord should take an interest in the disposal of her hand, and should claim a right to select the husband who was in future to have at his command the vassals of the heiress in question [1] If the colonelcies of regiments were heritable property, similar regulations might be found necessary even in the nineteenth century.

This right not being confined to the Sovereign, but being shared in by all who had vassals depending upon them, the lords were by no means eager, as long as the feudal system really lasted, to exclaim against it. The evils against which the Great Charter provided were abuses with which the system itself had become encrusted. Gradually, however, the old theory sunk into oblivion, and the King's claims upon wards dwindled into a mere machinery for bringing in money in a most oppressive manner. Men were dissatisfied with the thought that it was possible that, at their death, their lands might undergo a temporary confiscation, and with the knowledge that their daughters might have to bribe some courtier in order to escape from an obnoxious marriage. When the feudal militia ceased to be the army of the nation, every reason for the maintenance of the Court of Wards came to an end. The legal right remained, but the duties with which it was, in theory, connected, had long ago ceased to be performed.

March 26. The Lords concur in a petition on the subject of wardship.

This being the state of opinion on the subject, the Lords readily concurred with the Commons in desiring relief.[2] It was not till May 26 that the Commons brought forward a definite proposal. They offered to raise a revenue which would be larger than any that

[1] The lords claimed the right of the marriage of even male heirs, but it is difficult to see on what principle.

[2] *C. J.* i. 153.

the King had ever obtained from the Court of Wards, and to grant pensions to the officers of the Court for the remainder of their lives. They were not precipitate in their measures. All that they asked for was a general approbation on the King's part. If they obtained this, they would appoint commissioners who should during the recess inquire into the proportion of the burden borne by different counties and individuals, in order that, in the course of the next session, arrangements might be made for offering a sufficient composition to the King and also to those subjects who possessed a similar right over their tenants.

May 26. Proposal of the Commons.

At a conference between the Houses held on May 26,[1] the Lords, under the influence of the Court, threw cold water on even this moderate scheme. They expressed doubts whether it would be possible to raise a sufficient revenue, and blamed the Commons for wasting time over questions of privilege and purveyance, though this latter point had been first moved in their own house. They recommended that the question of Wardships should be dropped till the next session. Four days later the King summoned the Commons into his presence and censured their proceedings bitterly.

The Lords throw cold water on it.

May 30. The King scolds the Commons.

James, in fact, was thoroughly dissatisfied at their slow progress in a matter on which he had set his heart. At the time when he gave way to them on the subject of the Buckinghamshire election, he pressed them to take in hand his favourite measure for a union with Scotland. He wished, as he told them, to leave at his death 'one worship of God, one kingdom entirely governed, one uniformity of law.'[2] He saw the advantages which would accrue to both countries from a complete union, and longed to anticipate the fruits which would eventually spring from the carrying out of his project.[3] His constitutional

April 13. The proposed union with Scotland.

[1] *L. J.* ii. 309; *C. J.* i. 230.

[2] *C. J.* i. 171.

[3] The charge, that he wished for the Union in order to be able to gratify his Scotch favourites, can only be made by those who forget that he had it in his power to make any foreigner a denizen, and thus to enable

impatience made him anxious that the work should be accomplished by his own hands. His ignorance of human nature brought him speedily into collision with his subjects on this point. It had not been for want of warning : Cecil, as usual, had given him good advice. He told him that the two nations were not ripe for a union as long as they continued to look upon one another with hostile eyes. In process of time, such a measure would be heartily welcomed. All that could now be done was to appoint commissioners on either side, who might discuss the whole question, and determine how far it was practicable to remove the barriers by which the two nations were separated.[1] It was all in vain ; James was in such haste to see a marriage between the kingdoms, that he would not allow time for the preliminary courtship.

April 14. Proposed title of King of Great Britain.

The disposition of the House of Commons was at once tested by the proposal that they should immediately agree to James's assumption of the title of King of Great Britain. They felt that in this, which was apparently a mere verbal question, the most important consequences were involved. Bacon expressed the whole difficulty in a few words, when he asked, "By what laws shall this Britain be governed?" In those days of undefined prerogative, it was impossible to say what claims might not be raised : James might attempt to amalgamate the legislatures by proclamation, or he might fill the public offices of State with his countrymen, without leaving any legal ground of resistance.[2] The Commons therefore thought that there should be some agreement as to the terms of the union before

Objected to by the Commons.

him to hold lands granted by the Crown, and that his chief favourites were naturalised by Act of Parliament in this session.

[1] Cecil begged the King to postpone the Union, and 'seulement d'assembler des commissaires deputés et choisis d'une part et d'autre à fin de comparer et accorder des moiens de la bien faire, et cependant donner loisir aux peuples de se hanter, et se lier doucement par marriages.'—Beaumont to the King, Feb. $\frac{19}{29}$, 1604. *King's MSS.* 125, fol. 29.

[2] It must not be forgotten that the subsequent naturalisation of the *Postnati* was carried through by the legal technicalities of the lawyers, in defiance of the wish of the House of Commons.

it was ratified by the assumption of a title. The King gave way courteously at first, but he soon grew vexed and angry. Cecil must have felt his triumph when the project of a change of name was abandoned, and the King consented to the appointment of such a commission as his prudent Secretary had recommended. A Bill was brought in, naming twenty-eight commissioners, who were taken equally from the two Houses, to confer with a similar body appointed by the Scots ; and it was understood that Parliament was to meet again in the following year, in order to receive their report.

It was hardly possible that James should retain his good humour. In this matter of the Union, the Commons must have appeared to him as narrow-minded pedants, eager to raise paltry objections to a magnificent act of statesmanship which they were unable to comprehend. His ill-humour was aggravated by the course taken by the Commons with regard to ecclesiastical affairs. He had decided against the Puritans, and it was commonly said that three parts of the House were Puritans.[1] If so, they were Puritans of a very different stamp from those who, after nearly forty years of arbitrary government, filled many of the benches of the Long Parliament. They committed to the Tower a man who presented a petition in which the Bishops were described as antichrists. They would have been ready to assent to any guarantees which the King might think necessary for maintaining his supremacy in the Church, as well as in the State ; but they took a truer view of ecclesiastical questions than James or his bishops were able to take, and they saw that unless concessions were made, all vitality would quickly depart from the Church. If differences were not allowed to exist within, they would break out elsewhere. Little as they thought what the consequences of their acts would be, Elizabeth and Whitgift, James and Bancroft, by making a schism inevitable, were the true fathers of Protestant dissent.

April 29. The Commons dissatisfied with the Hampton Court settlement.

Perhaps such a schism was sooner or later unavoidable, but, if the Commons had been allowed to carry out their views, it

[1] Sir R. Wingfield's account of his speech, *S. P. Dom.* vii. 2.

might have been long delayed. The moral earnestness of Puritanism would not have been embittered by a long struggle for existence. It would have escaped the worst trial which religion knows—the trial of political success. Men like Baxter, and men like Jeremy Taylor, would have laboured together as brethren in one common faith; truth and godliness would have worked their way insensibly, quietly influencing the whole social fabric in their course. But these are visions; the sad reality presents us with a very different picture.

April 16. Proceedings of the Commons in ecclesiastical matters.

On April 16, Sir Francis Hastings moved for a committee, to consider 'of the confirmation and re-establishing of the religion now established within this kingdom; as also of the settling, increasing, and maintaining a learned ministry, and of whatsoever else may incidentally bring furtherance thereunto.'

They refuse to confer with Convocation.

The King immediately sent to request that the House, before entering upon such matters, would confer with Convocation. The Commons, always jealous of that body, sent a distinct refusal, though they expressed their readiness to treat with the Bishops as Lords of Parliament.

May 5. Proposals sent to the Lords.

They accordingly empowered the committee to propose to the Lords that, in accordance with the Act of 13 Elizabeth, ministers should be required to subscribe to those articles only which related to doctrine and the sacraments, and that all persons hereafter admitted to the ministry should be at least Bachelors of Arts, and should have the testimony of the University to their moral conduct and ability to preach. If, however, anyone was desirous of ordination who had not studied at either of the Universities, a similar testimonial from six preachers of his own county was to be sufficient. They asked that no more dispensations might be granted for pluralities and non-residence, and hoped that some augmentation might be afforded to small livings of less than the annual value of 20*l*. Lastly, they begged the Lords to join them in putting a stop to the deprivation of men who objected only to the use of the surplice and of the cross in baptism, 'which,' as they said, almost in the very words of Bacon, if,

indeed, he were not himself the framer of these proposals, 'turneth to the punishment of the people.'[1]

Finding the Lords but lukewarm in the cause, they brought in two Bills in their own House—one directed against pluralists, of which we have no particulars, and the other providing for a learned and godly ministry, embodying the opinions which they had expressed in their conference with the other House,[2] but adding a clause which must have been a terror to all unfit expectants of benefices. It was to be enacted that, if any person were afterwards inducted without the testimonials required, the parishioners might lawfully withhold from him the payment of tithes. It is needless to say that both Bills fell through in the Lords.

Bills brought in, and lost in the House of Lords.

The condition of business in the House of Commons was therefore by no means satisfactory, when on May 30 the King addressed them in terms of disparagement on the subject. Sore as they were at the language in which he spoke, they resolved to show him by their actions that they were not to blame. On June 1 they determined to abandon the subject of wardships till the following session, and on June 2 they came to a similar resolution on the subject of purveyance. At the same time the Bill naming commissioners to treat of the Union was hurried through the House, and sent up to the Lords. James was gratified with the result of his expressions of displeasure, and sent a message to the Commons, thanking them for what they had done.[3]

May 30. Position of business in the Commons.

June 1. Wardships abandoned.

June 2. The Bill for naming Commissioners for the Union passed.

June 5. James thanks the Commons.

The Commons, on their part, naturally desired to justify themselves. During the next fortnight they were busily employed in drawing up an Apology for their proceedings, and on June 20 it was completed and read in the House.

June 20. The Apology of the Commons.

The Commons, in whose name it was drawn up, began by explaining that they were under a necessity of justifying their

[1] *C. J.* i. 199. [2] *S. P. Dom.* viii. 66.
[3] *C. J.* i. 230–232.

conduct. They acknowledged that the King was a prince eminent for wisdom and understanding, yet as it was impossible for any man, however wise, to understand at a glance the customs of a whole people, he had necessarily been dependent upon others for information. They were sorry to find that he had been grievously misinformed, both with respect to the condition of the people and the privileges of Parliament They thought it better, therefore, to speak out, and not to leave these misunderstandings as seeds for future troubles.

Its preamble.

They had, first, to defend themselves against an insinuation which had been made by one of the Lords, that they had welcomed the King rather from fear of the consequences which would have ensued upon rejecting him, than from any love which they bore to his person. They protested their loyalty to him, and assured him that they had looked forward to his reign with hopefulness, as expecting that under him religion, peace, and justice would flourish, and that 'some moderate ease' would be afforded 'of those burdens and sore oppressions under which the whole land did groan.' Remembering 'what great alienation of men's hearts the defeating of good hopes doth usually breed,' they could not do better than set forth the grievances which were universally felt.

They received the King with expectations of reform.

The misinformation delivered to the King consisted of three points—first, that they held 'not' their 'privileges as of right'; secondly, that they 'were no court of record, nor yet a court that can command view of records;' and lastly, that the examination of the returns of writs for knights and burgesses is without 'their compass, and due to the Chancery.'

Three points on which the King had been misinformed.

"From these misinformed positions, Most Gracious Sovereign," they proceeded to say, "the greatest part of our troubles, distrust, and jealousy have arisen, having apparently[1] found that in this first Parliament of the happy reign of your Majesty, the privileges of our House, and therein the liberties and stability of the whole Kingdom, hath been more universally and

[1] Here and always 'apparently' means 'plainly.'

dangerously impugned than ever, as we suppose, since the beginning of Parliaments. For although it may be true that, in the latter times of Queen Elizabeth, some one privilege, now and then, were by some particular act attempted against, yet was not the same ever by so public speech, nor by positions in general, denounced against our privileges. Besides that in regard of her sex and age, which we had great cause to tender, and much more upon care to avoid all trouble which by wicked practice might have been drawn to impeach the quiet of your Majesty's right in the succession, those actions were then passed over which we hoped, in succeeding times of freer access to your Highness' so renowned grace and justice, to redress, restore, and rectify ; whereas, contrarywise, in this Parliament which your Majesty in great grace, as we nothing doubt, intended to be a precedent for all Parliaments that should succeed, clean contrary to your Majesty's so gracious desire, by reason of those misinformations, not only privileges, but the whole freedom of the Parliament and realm, hath from time to time, on all occasions, been mainly hewed at."

They then came to particulars. Doubts had been thrown upon the liberty of election. 'The freedom of' their 'speech' had been 'prejudiced by often reproof,' the Bishop of Bristol had written a book in which they had been reviled.[1] Some of the clergy had been preaching against them, and had even published their protestations against the undoubted right of the House to deal with ecclesiastical affairs. 'What cause' they had 'to watch over their privileges,' was 'manifest in itself to all men. The prerogatives of princes' were daily growing ; 'the privileges of subjects' were 'for the most part at an everlasting stand.' They might 'be by good providence and care preserved, but, being once lost,' they were not to be 'recovered but with much disquiet. If good kings were immortal,' they might be less careful about their privileges. But a day might come when a hypocrite and a tyrant might sit

Particular complaints.

[1] On the complaint of the Commons he was compelled to ask pardon. He had undertaken to refute arguments used in the House of Commons—a high offence before debates were published, as the attacked party might be misrepresented, and had no opportunity of reply.

upon the throne, and it was therefore their bounden duty to provide for posterity.

They had heard that particular speeches had been misreported to the King; they hoped, therefore, that he would allow those members whose words had been misrepresented to justify themselves in the presence of their accusers.

After offering a defence of their conduct in the cases of the Buckinghamshire election, of Sir Thomas Sherley's imprisonment, and of the Bishop of Bristol's book, they touched upon the thorny subject of the Union.

Their conduct respecting the Union

"The proposition," they said, "was new, the importance great, the consequence far-reaching, and not discovered but by long dispute. Our number also is large, and which hath free liberty to speak; but the doubts and difficulties once cleared and removed, how far we were from opposing the just desires of your Majesty (as some evil-disposed minds would perhaps insinuate, who live by division, and prosper by the disgrace of other men) the great expedition, alacrity, and unanimity which was used and showed in passing of the Bill may sufficiently testify."

Having thus got over this difficulty, perhaps by making more of their own readiness to meet the King's wishes than the facts of the case would justify, they proceeded to a still more important subject.

and matters of religion.

"For matter of religion," they said, "it will appear, by examination of the truth and right, that your Majesty should be misinformed if any man should deliver[1] that the Kings of England have any absolute power in themselves either to alter religion, (which God forefend should be in the power of any mortal man whatsoever), or to make any laws concerning the same, otherwise than in temporal causes by consent of Parliament. We have and shall at all times by our oaths acknowledge that your Majesty is sovereign lord and supreme

[1] This must refer to the Canons which were passed through Convocation in this session. In an anonymous paper (*S. P. Dom.* vi. 46) entitled *Substance of the Doctrine of the Church of England on the King's Supremacy*, it is expressly stated that the King had the right to confirm ecclesiastical canons, and to give them the force of laws.

governor in both. Touching our own desires and proceedings therein, they have been not a little misconceived and misinterpreted. We have not come in any Puritan or Brownist spirit to introduce their parity, or to work the subversion of the State ecclesiastical as now it stands, things so far and so clear from our meaning as that, with uniform consent, in the beginning of this Parliament we committed to the Tower a man who out of that humour had, in a petition exhibited to our House, slandered the Bishops; but according to the tenor of your Majesty's writs of summons directed to the counties from which we came, and according to the ancient and long continued use of Parliaments, as by many records from time to time appeareth, we came with another spirit, even with the spirit of peace; we disputed not of matters of faith and doctrine, our desire was peace only, and our device of unity, how this lamentable and long-lasting dissension amongst the ministers (from which both atheism, sects, and ill-life have received such encouragement, and so dangerous increase) might at length, before help come too late, be extinguished. And for the ways of this peace we are not addicted at all to our own inventions, but ready to embrace any fit way that may be offered. Neither desire we so much that any man, in regard of weakness of conscience, may be exempted after Parliament from obedience to laws established, as that in this Parliament such laws may be enacted as by relinquishment of some few ceremonies of small importance, or by any way better, a perpetual uniformity may be enjoined and observed. Our desire hath been also to reform certain abuses crept into the ecclesiastical estate even as into the temporal; and, lastly, that the land might be furnished with a learned, religious, and godly ministry, for the maintenance of whom we would have granted no small contribution, if in these (as we trust) just and religious desires we had found that correspondency from others which was expected. These minds and hearts we in secret present to that Sovereign Lord who gave them, and in public profess to your gracious Majesty, who, we trust, will so esteem them."

"There remaineth, dread Sovereign," they said, in conclusion, after justifying the course which they had taken in the

matters of wardship and purveyance, "yet one part more of our duty at this present which faithfulness of heart (not presumption) doth press us to. We stand not in place to speak or to propose things pleasing. Our care is, and must be, to confirm the love, and to tie the hearts of your subjects, the Commons, most firmly to your Majesty. Herein lieth the means of our well deserving of both. There was never Prince entered with greater love, with greater joy and applause of all his people. This love, this joy, let it flourish in their hearts for ever. Let no suspicion have access to their fearful thoughts that their privileges, which they think by your Majesty should be protected, should now by sinister information or counsel be violated or impaired, or that those who with dutiful respect to your Majesty speak freely for the right and good of their country shall be oppressed or disgraced. Let your Majesty be pleased to receive public information from your Commons in Parliament, as well of the abuses in the Church as in the Civil State and Government. For private informations pass often by practice. The voice of the people, in things of their knowledge, is said to be as the voice of God. And if your Majesty shall vouchsafe at your best pleasure and leisure to enter into gracious consideration of our petitions for ease of those burdens under which your whole people have long time mourned, hoping for relief by your Majesty, then may you be assured to be possessed of their hearts for ever, and if of their hearts, then of all they can do and have. And we your Majesty's most humble and loyal subjects, whose ancestors have with great loyalty, readiness, and joyfulness served your famous progenitors, Kings and Queens of this realm, shall with like loyalty and joy, both we and our posterity, serve your Majesty and your most royal issue for ever with our lives, lands, and goods, and all other our abilities, and by all means endeavour to procure your Majesty's honour with all plenty, tranquillity, joy, and felicity."[1]

Conclusion.

Such was the address, manly and freespoken, but conservative and monarchical to the core, which the House of Commons was prepared to lay before the King. In it they took up the

[1] *Parl. Hist.* i. 1030, and *S. P. Dom.* viii. 70.

position which they never quitted during eighty-four long and stormy years. To understand this Apology is to understand the causes of the success of the English Revolution. They did not ask for anything which was not in accordance with justice. They did not demand a single privilege which was not necessary for the good of the nation as well as for their own dignity.

The Commons take up their position by this Apology.

The Apology thus prepared was never presented to the King, though there can be little doubt that a copy of it reached his hands. The feeling of dissatisfaction which the Commons, in spite of the alacrity with which they had passed the Union Bill, could not but have felt, they expressed in another way, which must have been more annoying to James than the presentation of the Apology could possibly have been.

June 19. James's financial difficulties.

Even with the strictest economy James would have found much difficulty in bringing his expenditure within the compass of his revenue. With his habits of profusion, all hope of this passed rapidly away. He had already incurred debts which he had no means of paying. His ministers therefore urged upon the Commons that it would be well to express their loyalty in a tangible form. They stated, with perfect truth, that the King was under the necessity of providing for many extraordinary expenses connected with the commencement of a reign, and that it was impossible in a moment to return to a peace expenditure. If the great questions of the session had received a satisfactory solution, it is probable that these arguments would have carried their proper weight. As it was, the Commons remembered opportunely that a considerable part of the subsidies which had been granted by the last Parliament of the late Queen had not yet been levied, and that it was contrary to precedent to grant a fresh subsidy before the last one had been fully paid. They did not give a direct refusal, but the tone which the debate assumed was not such as to promise a result favourable to the Government. On hearing this, James, making a virtue of necessity, wrote a letter to the Commons, in which he informed them that he was unwilling that they should lay any burden

The Commons asked for supply.

No subsidy granted.

on themselves in order to supply him with money.[1] He took care to have this letter printed, so as to lay his conduct before the public in as honourable a light as possible.

June 26. The King's letter.

Doubtless this blow directed against the King had much to do with the frustration of the hope which the Commons entertained of passing a Bill on a subject of no slight importance. When James, soon after his arrival in England, had summoned the monopolists to show cause why their patents should not be annulled, he had expressly excepted the trading corporations. The Commons now proposed to treat these corporations as monopolists. At this time the French trade was the only one open to all Englishmen. By its chartered rights the Russia Company claimed the trade with Muscovy; whilst the commerce of the Baltic was in the hands of the Eastland Company.[2] From the Cattegat to the mouth of the Somme, the merchant adventurers held sway.[3] From thence there was a line of free shore till the dominions of the Spanish King presented what had lately been an enemy's coast. Venice and the East were apportioned to the vessels of the Levant Company. Western Africa had a company of its own; and beyond the Cape, the continents and islands over the trade of which the great East India Company claimed a monopoly, stretched away to the Straits of Magellan, through three-quarters of the circumference of the globe. In the early days of the late reign, such associations had served the purpose of fostering the rising commerce of England. There was not sufficient capital in the hands of individuals to enable them to bear the risk of such distant enterprises, nor was the power of the Government sufficient to guarantee them that protection which alone could make their risks remunerative. The companies undertook some of the responsibilities which at a later period were imposed upon the State. They supported ambassadors, and appointed consuls to represent their interests.[4]

April. The trading companies.

[1] *C. J.* i. 246. There is a printed copy in the *S. P. Dom.* viii. 78.

[2] Macpherson's *Annals of Commerce*, ii. 164. [3] *Ibid.* 220.

[4] Suggestions for regulating the Levant Trade, Feb. 29, 1604, *S. P. Dom.* vi. 70.

They were better able than private persons would have been to discover new outlets for trade. The risk run in making voyages for the first time to such countries as Russia or India was so great, that it was only fair to compensate for it by the monopoly of the trade—at least for a limited period. Nor were the voyages even to friendly ports free from danger. In 1582 the Russia Company had to send out as many as eleven well-armed ships, for fear of enemies and pirates.

Now, however, the time was favourable for reviewing the commercial policy of the country. The Levant Company had surrendered its charter shortly after the King's accession. Spain was soon to be thrown open to English commerce. The increase of wealth made many persons desirous of engaging in trade who were not members of any company; but, above all, there was a growing feeling of jealousy against the London merchants, on the part of the shipowners of the other ports. A native of Plymouth or of Southampton might engage in the coasting trade, or he might even send his vessel to the other side of the Channel; but if he wished to push his fortune by engaging in commerce on a larger scale, he was at once checked by learning that the charter of some great Company, whose members were sure to be Londoners, stood in his way.

In consequence of the general dissatisfaction with the privileges of the Companies, appeals were made to the Privy Council. These being without result, the whole case was referred to Parliament. A committee of the Lower House, with Sir Edwin Sandys at its head, took great pains to arrive at the truth. It devoted five afternoons to the investigation of the alleged grievances, and to the discussion of a Bill for throwing open trade.[2] Clothiers and merchants from all parts of the realm attended its sittings in crowds. They complained bitterly that the existing system was a juggle, by which the whole commerce of England was thrown into the hands of a few interested persons. Arguments were heard on both sides. The free

A committee investigates the complaints against the companies.

[1] *C. J.* i. 218.

traders urged the natural right of all men to trade where they would, and reminded the Committee that monopolies were only of recent invention. They said that at most the members of the Companies were only five or six thousand in number, and that of these only four or five hundred were actually engaged in commerce. They pointed to the success of other commercial nations where trade was free. They said that in their policy would be found a remedy for the evil which proclamations and Acts of Parliament had striven in vain to cure. The rapid growth of London in proportion to other towns was astonishing to that generation. The money received in the port of London in a single year for customs and impositions amounted to 110,000*l.*, whilst the whole sum of the receipts from the same sources in all the rest of the kingdom was nothing more than a beggarly 17,000*l.* They trusted that freedom of trade would be more favourable to the equal distribution of wealth. Ships would be built in greater numbers, mariners would obtain more constant employment, and the Crown would reap the benefit by an increase of customs. They concluded with a remark characteristic of a people amongst whom no broad line of demarcation separated the different classes of the community: the younger sons of the gentry, they said, would be thrown out of employment by the cessation of the war, and therefore an open career should be provided for them in mercantile pursuits, where alone it could be found.

The force of these arguments was only equalled by the shallowness of the opposition made to them. It was gravely urged that no monopoly was granted to any company, because a right possessed by more than a single person could not properly be termed a monopoly. It was said that all England could not produce more than the companies carried abroad; that the time of the apprentices would be thrown away if the existence of the companies were cut short. The counsel on behalf of the monopolists inveighed against the injustice of putting an end to such useful and flourishing societies. He was told that there was no intention of abolishing a single company. The Bill only provided for throwing trade open. If it were true, as was asserted, that commerce on a large scale

could not be carried on by private merchants, why this opposition to the Bill? The permission to such merchants to engage in trade would be void of itself, if it was really impossible for them to enter into competition. Again, it was objected that the King would never be able to collect the customs. In reply to this, several merchants offered, in case the Bill passed, to pay for the farm of the customs a higher sum than the average of the receipts of the last five years.

When the Bill stood for a third reading, 'it was three several days debated, and in the end passed with great consent and applause of the House, as being for the exceeding benefit of all the land, scarce forty voices dissenting from them.'

The Bill was sent up to the House of Lords, where counsel was again heard on both sides. Coke, as Attorney-General, spoke against it, acknowledging its purpose to be good, but objecting to certain defects in it. Upon this, on July 6, the Bill was dropped. The Commons expressed their intention of taking the matter up again in the following session.[1]

July 6.

On the following day the King came down to prorogue Parliament. After a few words of praise addressed to the House of Lords, he turned to the Commons, pleased to find an opportunity of venting upon them his long pent-up ill-humour.

July 7. The King's speech.

"I have more to say of you," he began, "my masters of the Lower House, both in regard of former occasions, and now of your Speaker's speech. It hath been the form of most kings to give thanks to their people, however their deserts were. Of some, to use sharp admonishment and reproof. Now, if you expect either great praises or reproofs out of custom, I will deceive you in both. I will not thank where I think no thanks due. You would think me base if I should. It were not Christian; it were not kingly. I do not think you, as the body of the realm, undutiful. There is an old rule, *qui benè distinguit benè docet.* This House doth not so represent the whole Commons of the realm as the

His intemperate language.

[1] *C. J.* i. 253.

shadow doth the body, but only representatively. Impossible it was for them to know all that would be propounded here, much more all those answers that you would make to all propositions. So as I account not all that to be done by the Commons of the land which hath been done by you, I will not thank them for that you have well done, nor blame them for that you have done ill. I must say this for you, I never heard nor read that there were so many wise and so many judicious men in that House generally ; but where many are some must needs be idle heads, some rash, some busy informers."

After scolding them for some time longer in the same flippant strain, he proceeded to compare the reception which his wishes had met with in England with the obedience which he had always found in Scotland. He must have counted largely on the ignorance of his hearers with respect to Scottish affairs, when he added :—"In my government by-past in Scotland (where I ruled upon men not of the best temper), I was heard not only as a king, but as a counsellor. Contrary, here nothing but curiosity, from morning to evening, to find fault with my propositions. There all things warranted that came from me. Here all things suspected." He then burst out into an invective against them for their delays in the matter of the Union, and for their encouragement of Puritanism. "You see," he continued, "in how many things you did not well. The best apology-maker of you all, for all his eloquence, cannot make all good. Forsooth, a goodly matter to make apologies, when no man is by to answer. You have done many things rashly. I say not you meant disloyally. I receive better comfort in you, and account better to be king of such subjects than of so many kingdoms. Only I wish you had kept a better form. I like form as much as matter. It shows respect, and I expect it, being a king, as well born (suppose I say it) as any of my progenitors. I wish you would use your liberty with more modesty in time to come. You must know now that, the Parliament not sitting, the liberties are not sitting. My justice shall always sit in the same seat. Justice I will give to all, and favour to such as deserve it. In cases of justice, if I should

do you wrong, I were no just king ; but in cases of equity, if I should show favour, except there be obedience, I were no wise man." [1]

With this characteristic utterance James brought the first session of his first Parliament to a close.

[1] *S. P. Dom.* viii. 93.

CHAPTER V.

THE ENFORCEMENT OF CONFORMITY.

THE discontent which had made itself felt on both sides during this unhappy session was the more ominous of future strife because it did not spring from a mere difference of opinion on any single question. There was between the King and the House of Commons the most fruitful source of strife—a complete lack of sympathy. The Commons could not enter into James's eagerness to bring about a union with Scotland, or his desire to tolerate the Catholics, and James could not enter into their eagerness to relieve themselves from ill-adjusted financial burdens, or to relax the obligations of conformity. James, unhappily, lived apart from his people. He had his chosen counsellors and his chosen companions, but he did not make himself familiar with the average thought of the average Englishman. When their ideas, sometimes wiser, sometimes less wise, than his own, were forced upon him, he had nothing but contempt to pour upon them. In his public speeches as well as in his private letters the thought was often lost in a flow of words, and the arrogance with which he took it for granted that he was solely in the right repelled inquiry into the argument which his lengthy paragraphs concealed.

Mutual dissatisfaction of the King and the House of Commons.

The first difference between the King and the House—that arising from Goodwin's election—had been easily settled, because James had no personal interest in the matter. When it came to the reform of purveyance and the abolition of wardship his own necessities made him

Causes of misunderstanding.

anxious not to be left in a worse case than that in which he had been in before, whilst the Commons, who had hitherto been kept in ignorance of the amount of the revenue and expenditure of the Crown, were unaware how great those necessities were. James, indeed, was ready enough to redress such grievances as were brought home to him. Unfortunately more than that was needed. If James was to rule as Elizabeth had ruled, it was necessary that he should sympathise with his subjects as she had done. He must not be content to let them work out reforms, leaving to them the responsibility of directing their energies so as not to interfere with his wants. He must himself take the reforms in hand, and must so conduct them as to guide his subjects patiently on the way in which they wished to go. It was exactly what he was unable to do. Nor was he likely to find in Cecil anything but a hindrance. For Cecil, with all his practical capacity, was a man of the past age, who had had no experience as an independent member of the House of Commons, and who was more likely to throw difficulties in the way of the demands of the reformers than to consider how they could be carried into effect with the least prejudice to the State. On the still more important question raised by the Commons on the subject of Puritanism, he was too deeply imbued with the principles of the late reign to give good counsel.

The one man who could have guided James safely through the quicksands was Bacon. He had all the qualities of a reconciling statesman. He sympathized with the Commons in their wish for reforms and in their desire for a more tolerant dealing with the Puritans. He sympathized with the King in his wish to carry out the Union. Above all, whilst he was the most popular member of the House, he had the highest ideas of the King's prerogative, because he saw in it an instrument for good, if only James could be persuaded to guide his people, and not to bargain with them.

Bacon as a possible reconciler.

During his whole life Bacon continued to regard Cecil as the man who stood in the way of that advancement which he so ardently desired, both for the service of his country and

for his own advancement. Yet it was not to be expected that James should thrust away an old and tried counsellor like Cecil, whom he had found on his arrival in England in possession of authority, to make way for an adviser whose superior qualities he was unable to recognise. What he did see in Bacon was a supporter of the Union, who had been chosen one of the commissioners to meet the delegates of Scotland. As such he was worthy of a retaining fee. On August 18 Bacon was established by patent in the position of a King's Counsel, with which he received a pension of 60*l.*[1] On the great ecclesiastical question on which he had written so wisely, Bacon could but hope for the best. He knew that the King had made up his mind, and he never again strove to change it.

1604. Aug. 18. Bacon's advancement.

Whilst the House of Commons was engaged in stormy discussions, Convocation was more calmly at work in drawing up a code of ecclesiastical law. The canons to which this body gave its assent had been prepared by Bancroft, who acted as President of the Upper House, the See of Canterbury being vacant. On the occasion of a discussion upon the use of the cross in baptism, Rudd, Bishop of St. David's, in a temperate speech, warned the House of the evil consequences which would inevitably follow upon the course which they were taking. The arguments of one man were not likely to have much weight in such an assembly. As far as in them lay, they bound down the whole of the clergy and laity of England to a perpetual uniformity. Every man was declared to be excommunicated who questioned the complete accordance of the Prayer Book with the Word of God. Nor were the terrors of excommunication felt only by those who shrank from bearing spiritual censures. The excommunicated person was unable to enforce the payment of debts which might be due to him, and was himself liable to imprisonment till he confessed his error.

Convocation.

The Canons of 1604.

On July 16, a proclamation appeared, in which permission

[1] Bacon's *Letters and Life*, iii. 217.

was given to the Puritan clergy to retain their livings until November 30. As soon as the time thus allowed for consideration had come to an end, they must either conform or submit to expulsion.

July 16. The King's proclamation.

Shortly before the end of the term assigned to them, a small number of Puritans presented a petition to the King at his hunting seat at Royston. James, vexed at being thus taken unawares, told them to send ten of the wisest among them to the Council. The deputation did not gain much by this step, as they were dismissed, and forced to give bail to answer for their conduct whenever they might be summoned.

The Royston petition.

On December 4, Bancroft was consecrated Archbishop of Canterbury. If there had been any truth in the fond delusion of his admirers in the next generation, who traced all the troubles of the Church to the inefficient way in which his successor carried out his system, it would have been impossible to make a better choice. He did not, like Whitgift, persecute in the name of a state expediency. If he was not the first to adopt the belief that the episcopal system of the English Church was of Divine appointment, he was at least the first who brought it prominently before the world. With a full persuasion that he was engaged in repressing the enemies of God, as well as the disturbers of the Commonwealth, he felt no compunction in applying all his energies to the extirpation of Nonconformity. There were men in the Church of England, who, like Hutton, the Archbishop of York, felt some sympathy with the Puritans, although they did not themselves share their opinions. But Bancroft was unable to understand how the Puritans could talk such nonsense as they did, except from factious and discreditable motives.[1] In other respects he was well fitted for his office.

Dec. 4. Archbishop Bancroft.

[1] Compare Hutton's letter (Strype's *Whitgift*, iv., App. No. 50) with the following sentence from one of Bancroft's (Wilkins's *Conc.* iv. 409) :— "I have hitherto not greatly liked any severe course, but perceiving by certain instructions lately cast abroad, that the present opposition so lately constituted doth rather proceed from a combination of sundry factions, who

He was anxious to increase the efficiency of the clergy, as far as was consistent with a due respect for uniformity, and, if it had lain in his power, he would have provided an orthodox and conforming preacher for every parish in England.

He had not been a week in his new office before he was ordered by the Council to proceed against those amongst the clergy who still held out.[1] In a circular letter which he shortly afterwards addressed to the Bishops,[2] he directed that all curates and lecturers should be required, upon pain of dismissal, to subscribe to those articles which were imposed by the new canons. In the first of these the King's supremacy was to be acknowledged; in the second a declaration was to be made that the Prayer Book contained nothing contrary to the Word of God; and in the third the subscriber affirmed that the Thirty-nine Articles were also agreeable to the Word of God. The beneficed clergy were to be treated with rather more consideration. If they refused to conform, they were to be at once deposed, but those amongst them who were willing to conform, though they refused to subscribe, might be allowed to remain at peace. By this means, many would be able to retain their livings who, though they had no objection to perform as a matter of obedience the services enforced by the Prayer Book, were by no means ready to declare it to be their conscientious opinion that everything contained in that book was in accordance with Divine truth.

Dec. 10. Proceedings against the Nonconformists.

As may be supposed, this circular caused great consternation amongst the Puritan clergy and their favourers. It has been calculated that about three hundred[3] of the clergy were

in the pride of their mind are loath to be foiled, as they term it, than from any religious care or true conscience," &c.

[1] The Council to Bancroft, Dec. 10, 1604, Wilkins's *Conc.* iv. 408.

[2] Bancroft to the Bishops, Dec. 22, 1604, Wilkins's *Conc.* iv. 409.

[3] The number has been estimated as low as forty-nine; but the arguments in Vaughan's *Memorials of the Stuarts* seem to me conclusive in favour of the larger number. To the authorities quoted there may be added the petition of the Warwickshire ministers (*S. P. Dom.* xi. 68), who speak of twenty-seven being suspended in that county alone; though the Bishop expressed his sorrow for that which he was forced to do.

ejected for refusing to comply with the demands made upon them. The Bishops were frightened at the numbers who refused subscription, but the King urged them on.[1] To him the refusal to conform was a presumption of the existence of a Presbyterian temper. Such a temper, he held, must be rooted out, as opposed to monarchical order. To individuals ready to give way all tenderness was to be shown. "I am wonderfully satisfied," he wrote to the Secretary, "with the Council's proceeding anent the Puritans. Since my departure, they have used justice upon the obstinate, shown grace to the penitent, and enlarged them that seem to be a little schooled by the rod of affliction. In this action they have, according to the 101st Psalm, sung of mercy and judgment both."[2]

Feb. 9, 1605. The Northamptonshire petition.

On February 9, a petition in favour of the deprived ministers was presented to the King by four knights from Northamptonshire. It bore the signatures of forty-four gentlemen of the county.[3] The King was enraged. One sentence particularly exasperated him: the petitioners intimated that, if he denied their suit, many thousands of his subjects would be discontented; an assertion which he looked upon as a threat. On the following day, he charged the Council to take steps against these daring men. Three days afterwards, the Chancellor appeared in the Star Chamber, and asked the judges if it was lawful to deprive nonconforming ministers, and whether it was an offence against the law to collect signatures for such a petition as that which had just been presented. To both these questions they answered in the affirmative.[4]

[1] Chamberlain to Winwood, *Winw.* ii. 46.

[2] The King to Cranborne, 1604, *Hatfield MSS.* 134, fol. 48.

[3] Petition in *S. P. Dom.* xi. 69. Among the signatures is that of Erasmus Dryden, grandfather of the poet. A little later (xi. 95) he asked pardon, and begged to be let out of the Fleet, to which he had been confined in consequence.

[4] —— to the Bishop of Norwich, *Ellis*, 2nd ser. iii. 215. A fuller and more correct account is in a memorandum in the *S. P. Dom.* xi. 73, and printed in Coke's *Rep.* at the end of the Reports of Trinity term, 2 Jac. I. This mistake has led some writers into the error of supposing that the judges were consulted before the delivery of the petition.

It was discovered that the petition had been drawn up by Sir Francis Hastings, the member for Somersetshire. He was summoned before the Council, and required to confess that it was seditious.[1] This he refused to do; but he was ready to acknowledge that he had done wrong in meddling with such matters out of his own county. He declared that in the sentence to which the King objected, he had no intention of saying anything disloyal. He was finally ordered to retire to his own country house, and to desist from all dealings in matters concerning the King's service. He was told that this was a special favour, as anyone else would have been 'laid by the heels.' Sir Edward Montague and Sir Valentine Knightly met with similar treatment.

In all that was being done the Secretary steadily supported the King. To him, unlike his cousin Bacon, the external uniformity of worship was the source of the higher unity. It was necessary, he wrote, to correct the Puritans for disobedience to the lawful ceremonies of the Church; 'wherein although many religious men of moderate spirits might be borne with, yet such are the turbulent humours of some that dream of nothing but a new hierarchy directly opposite to the state of a monarchy, as the dispensation with such men were the highway to break all the bonds of unity, to nourish schism in the Church and commonwealth. It is well said of a learned man that there are schisms in habit as well as in opinion, and that unity in belief can not be preserved unless it is to be found in worship.'[2] Already in these words may be discerned the principles of Laud. The conception of a nation as an artificial body to be coerced and trained was that which the writer had cherished in the atmosphere of the later Elizabethan officialism. The conception of a nation as a growing body instinct with life was that which Bacon was taught by his own genius to perceive.

Cecil's opinion.

James could never learn this lesson. He encouraged

[1] Exam. of Sir F. Hastings, *S. P. Dom.* xi. 74.

[2] "*Et non servatur unitas in credendo, nisi adsit in colendo.*" Cranborne to Hutton, Feb. 1605, *Lodge*, iii. 125.

Bancroft to urge on the unwilling Bishops to purify their dioceses by the deprivation of all who were unwilling to conform,[1] though they were allowed to abstain from doing the work too roughly. The deprived ministers were to be allowed to retain their parsonages for one or two months, that they might have time to provide for themselves and their families, now left without any visible means of subsistence.

March 12. The Puritan clergy driven out.

These measures having been taken with the existing clergy, James hoped to be equally successful in providing that the Church should never again be troubled with similar difficulties. He commanded the Universities to administer to their members a new oath, which no Presbyterian would be willing to take. Even here, however, Presbyterianism was condemned, not as unscriptural, but as unsuitable to a monarchical constitution.[2]

April 8. The new oath for the Universities.

There was at least one religious work not interrupted by these stormy conflicts. Puritans and Churchmen were able to sit down together to labour at that translation of the Bible which has for so many generations been treasured by Englishmen of every creed, because in its production all sectarian influences were banished, and all hostilities were mute.

The new translation of the Bible.

There can be little doubt that James seriously believed that he had brought peace into the Church by imposing conformity. The view taken by the Secretary was distinctly that the Church of England was the stronger for the late proceedings of the Government. "For the religion which they profess," he wrote of the expelled clergy, "I reverence them and their calling; but for their unconformity, I acknowledge myself no way warranted to deal for them, because

Cecil's view of nonconformity.

[1] Bancroft to the Bishops, March 12, 1605, Wilkins's *Conc.* iv. 410.

[2] The King to Cranborne, April 8, 1605, *S. P. Dom.* xiii. 75. The most prominent clause was:—"Deinde me credere ac tenere formam ecclesiastici regiminis, quæ apud nos est, per Archiepiscopos ac Episcopos legitimam esse, et sacris Scripturis consentaneam, novamque illam ac popularem quæ presbyterii nomine usurpatur, utcunque alicubi non improbandam, Monarchiæ tamen certè institutæ minimè convenientem.'

the course they take is no way safe in such a monarchy as this; where His Majesty aimeth at no other end than where there is but one true faith and doctrine preached, there to establish one form, so as a perpetual peace may be settled in the Church of God; where contrarywise these men, by this singularity of theirs in things approved to be indifferent by so many reverend fathers of the Church, by so great multitudes of their own brethren, yea many that have been formerly touched with the like weaknesses, do daily minister cause of scandal in the Church of England, and give impediment to that great and goodly work, towards which all honest men are bound to yield their best means, according to their several callings, namely to suppress idolatry and Romish superstition in all His Majesty's dominions." [1]

The view thus taken was that of the man of business in all ages and in all parts of the world. To such natures the strength which freedom gives is entirely inconceivable.

The policy of repressing Puritanism was not likely to stand alone. Partly from a desire to stand well with his Protestant subjects, partly from a feeling of insecurity, the months in which the nonconformist clergy were being driven from their parishes were those in which the Catholics were again brought under the lash of the penal laws.

During the early part of 1604, James had hesitated between his desire to abstain from persecution, and his disinclination to see such an increase in the numbers of the Catholics as would enable them to dictate their own terms to himself and his Protestant subjects. On February 22 he had issued the proclamation for the banishment of the priests.[2] On March 19, in his speech at the opening of Parliament,[3] he had expressed his resolution that no new converts should be made, yet a month later the order for banishing the priests was still unexecuted, and a priest, arrested for saying mass, was set at liberty by the order of the King. Good Protestants complained bitterly that for many years the Catholics

1604. James and the Catholics.

[1] Cranborne to some gentlemen of Leicestershire, April 1605, *Hatfield MSS.* 110, fol. 117.

[2] P. 145.

[3] P. 166.

had enjoyed no such liberty, and the Catholics themselves doubted whether James would be able to bear up against the pressure which was being brought against him.[1]

May. Increase of the Catholics.

That the Catholics were on the increase was by this time an undisputed fact. In May, they themselves boasted that their ranks had been joined by 10,000 converts,[2] and the sense of growing numbers gave them a confidence which they had not before possessed.

Impression made on the King.

James, not unnaturally, took alarm. His distraction of mind showed itself in his language. On May 17, he complained to the House of Commons of the increase of Papists, and recommended the preparation of 'laws to hem them in.'[3] In his communications with the Catholics themselves he fell back on that dreary and impracticable solution which has commended itself to so many generous minds. Why, he asked, could not the Pope consent to the meeting of a general council at which all the differences between the Churches would be freely discussed, and the unity of the Church restored.[4] At such a council James would undoubtedly have expected to exercise a predominant influence. A few months before a Catholic agent had recommended that if anyone were sent from Rome to gain any influence over James, he should take care not to attempt openly to convince him of the error of his ways. He should explain that the Pope wished to apply to James as to the greatest and the most intelligent amongst the sovereigns who had forsaken the Roman See, for his advice on the best means of

He wishes a council to be summoned.

[1] *Relatio Domini Con.*, enclosed in a letter from Del Bufalo to Aldobrandino, May $\frac{21}{31}$, *Roman Transcripts*, *R. O.* The name is there given as Com, but I believe him to have been the future agent at the court of Henrietta Maria.

[2] Account of a conversation, May 18, *S. P. Dom.* viii. 30. From Jan. to Aug. the number in the diocese of Chester alone increased from 2,400 to 3,433. State of the diocese of Chester, *S. P. Dom.* ix. 28. A priest is reported to have talked about an insurrection and the seizure of Chester, &c., Exam. of Hacking, May 20, *S. P. Dom.* viii. 34.

[3] *C. J.* i. 214.

[4] Del Bufalo to Aldobrandino, June $\frac{2}{12}$, *Roman Transcripts*, *R. O.*

uniting Christendom in one true religion.[1] Clement VII. would no doubt have had no objection to playing with James, as an angler plays with a salmon, but he was not likely to agree to a general council, in which the assembled Bishops were, in mute admiration, to give their willing consent to the views of the royal theologian, and James was accordingly vexed to find that there was no likelihood that his suggestion would be accepted.

Before long, James was recalled to the practical world. On June 4, a Bill for the due execution of the statutes against Jesuits, Seminary Priests, and Recusants was introduced into the House of Lords.[2] In spite of the opposition of the Catholic Lord Montague, who was committed to the Tower for the strong language which he not unnaturally used, it was sent down to the Commons, and finally passed both Houses, though not without undergoing considerable alterations. All the statutes of the late reign were confirmed, and in some points they were made more severe. The Catholics were, of course, anxious that the King should refuse his assent to the Bill. A petition[3] was presented to him by the priests, in which they offered to take an oath of allegiance. A much more important petition[4] was presented by a number of the laity, in which they expressed their readiness to become responsible for the conduct of such priests as they might be permitted to have in their houses. This offer was rejected by James, and he gave his assent to the Bill. He told the French Ambassador, however, that he had no present intention of putting the Act in force, but that he wished to have the power of repression if any necessity should arise.[5] As an assurance of the sincerity of his intentions, he remitted to the sixteen gentlemen who were liable to the 20*l.* fine the whole sum which had fallen

June 4. Act against Recusants.

July.

July 8. Not put in force.

[1] Constable (?) to Del Bufalo, $\frac{\text{Dec. 30,}}{\text{Jan. 9,}}$ 160$\frac{3}{4}$, *Roman Transcripts*, *R. O.*

[2] 1 Jac. I. cap. 4.

[3] Catholic Priests to the King, July (?) *S. P. Dom.* viii. 125.

[4] Petition Apologetical, p. 34.

[5] Beaumont to the King of France, July $\frac{8}{18}$, 1604, *King's MSS.* 126, fol. 122.

due since the Queen's death, as a guarantee that he would never call upon them for arrears.[1]

The Catholics might well be content with the treatment which they were receiving, if only they could be assured that it would continue. They knew, however, that James stood alone amongst the Protestant English people in his wish to protect them, and that they were therefore at the mercy of any gust of feeling which might sweep over his mind. It was therefore with considerable interest that they watched the negotiations which seemed likely to afford them relief by bringing their own King into close connection with the great Catholic monarchy of Spain.

That monarchy had, indeed, of late years fallen from its high estate. If Philip II. had been able to carry out his schemes, he would have re-established the old religion by the prowess of the Spanish armies, and by the intrigues of which he held the thread as he sat at his desk at the Escurial. The Pope would once more have been looked up to as the head of an undivided Church. By his side would have stood, in all the prominence of conscious superiority, the King of Spain, realising in his person all, and more than all that, in the Middle Ages, had been ascribed by jurists and statesmen to the chief of the Holy Roman Empire, the lay pillar of the edifice of Catholic unity. Kings would have existed only by his sufferance. Political independence and religious independence would have been stifled on every side. At last, perhaps, the symbol would have followed the reality, and the Imperial Crown would have rested on the brows of the true heir of the House of Austria, the champion of the Church, the master of the treasures of the West, the captain of armies whose serried ranks and unbroken discipline would have driven in headlong rout the feudal chivalry which in bygone centuries had followed the Ottos and the Fredericks through the passes of the Alps.

1598. The Spanish monarchy at the death of Philip II.

This magnificent scheme had broken down completely. The long struggle of the sixteeeth century had only served to

[1] July 30, Pat. 2 Jac. I. part 22.

consolidate the power of the national dynasties. The signature of the Peace of Vervins was the last act of Philip II., and in accepting the treaty of London, Philip III. was only setting his seal to his father's acknowledgment of failure.

Failure of his schemes.

It was impossible that the memory of such a conflict could be blotted out in a day. That Spain had never really withdrawn her pretensions to universal monarchy, and that she had merely allowed herself a breathing time in order to recruit her strength for the renewal of the struggle, was the creed of thousands even in Catholic France, and was held with peculiar tenacity by the populations of the Protestant Netherlands and of Protestant England. For many years every petty aggression on the part of Spain would be regarded as forming part of a preconcerted plan for a general attack upon the independence of Europe.

Spain still regarded with suspicion.

It was only by the most scrupulous respect for the rights of other nations, and by a complete abstinence from all meddling with their domestic affairs, that the Spanish Government could hope to allay the suspicion of which it was the object. Unhappily there was but little probability of such a thorough change of policy. It is true that, under the guidance of Lerma, Philip III., a prince whose bigotry was only equalled by his listlessness and inefficiency, had definitely renounced all intention of extending his own dominions or of establishing puppet sovereigns at London or at Paris. It is also true, that now that there was no longer to be found in Europe any considerable body of Catholics who were the subjects of a Protestant sovereign, the policy of stirring up disaffection in the Protestant states was of necessity relinquished. But the old theories were still dear to the heart of every Spaniard. Philip III. was still the Catholic King, the pillar of the Church, the protector of the faithful. Even Lerma, desirous as he was of maintaining a peace which alone made it possible for him to stave off a national bankruptcy, and to fill his own pockets with the plunder of the State, could not wholly abandon the traditional principles of his nation. If the doctrines of the advocates of tyrannicide were suffered gradually to

Renunciation of direct aggrandisement by Spain.

drop out of sight, it was only because it seemed likely that the triumph of the Church might be secured more easily in another way. The Spanish statesmen—if statesmen they can be called—saw that the opposition to the aggressions of Spain had everywhere given rise to strong national governments, and they fell into the mistake of supposing that the national governments were everything, and that the national spirit by which they were supported was nothing. Of the strength of Protestantism they were utterly and hopelessly ignorant. They supposed it to be a mere congeries of erroneous and absurd opinions, which had been introduced by the princes for the gratification of their own selfish passions, and they never doubted that it would fall to pieces from its own inherent weakness as soon as the support of the princes was withdrawn.

The governments to be gained over.

The Spanish Government, therefore, was no longer to irritate the neighbouring sovereigns by cultivating relations with their discontented subjects. It would gain their ear by acts of courtesy, and would offer to support them against domestic opposition. Above all, in Protestant countries, no stone should be left unturned to induce the heretic king to seek repose in the bosom of the Church of Rome. It was by such means as these that sober men seriously hoped to undo the work of Luther and of Elizabeth, and, accomplishing in peace what Philip II. had failed to bring to pass by force of arms, to lay the hitherto reluctant populations of Northern Europe as an offering at the feet of the successor of St. Peter.

Before anything could be done by the Spanish Government to give effect to so far-reaching a scheme, it was necessary to convert into a formal peace the cessation of hostilities which had followed on the accession of James to the throne of England. Before that could be done there must be some understanding on the relation between England and the Dutch Republic.

Towards the end of July 1603, Aremberg requested James to mediate between his master and the States.[1] A week or two

[1] Beaumont to the King of France, $\frac{\text{July 27,}}{\text{Aug. 6,}}$ 1603, *King's MSS.* 124, fol. 14.

later the King wrote to the States, telling them that he had given no answer to Aremberg till he heard from them whether they would join the treaty.[1] This letter was accompanied by another from the Privy Council to Sir Ralph Winwood, the English member of the Dutch Council assuring him that, though the King was desirous of treating, he would conclude nothing to their disadvantage. If the Spaniards declined to admit the States to the negotiations, the English would refuse the peace altogether. If the States refused his offer of including them in the treaty, James would even then insist upon a clause being inserted, assigning a time within which they might be admitted.[2] At the same time permission was granted to Caron, the Ambassador of the States in London, to levy a regiment in Scotland. The States, however, were not to be won by these advances. They firmly refused to treat on any conditions whatever.[3] England must therefore negotiate for itself, if it was not to be dragged into an interminable war.

1603. Negotiations with Spain.

In the autumn of 1603 James seems to have been less inclined to peace than he had hitherto been. Towards the end of September Don Juan de Taxis, Count of Villa Mediana, arrived with letters from the King of Spain; but there was some informality in the address, and, above all, he brought no commission to treat. The Duke of Frias, the Constable of Castile, was expected to bring the necessary powers after Christmas. Meanwhile, James heard that Villa Mediana was employing his time in opening communications with the principal Catholics, and in giving presents to the courtiers.[4]

September.

In the middle of January 1604 the Constable arrived at Brussels. He begged that the English Commissioners might be sent to treat with him there, as he was labouring under an indisposition.[5] This was of course inadmissible. Spain had

[1] James to the States, Aug. 10, 1603, *Winw.* ii. 1.

[2] Lords of Council to Winwood, Aug. 10, 1603, *Winw.* ii. 2.

[3] Winwood to Cecil, Aug. 21, *S. P. Holland.*

[4] Beaumont to the King of France, $\frac{\text{Sept. 30,}}{\text{Oct. 10,}}$ Oct. $\frac{6,}{16,}$ Oct. $\frac{17,}{27,}$ 1603, *King's MSS.* 124, fol. 125, 151, 168.

[5] Beaumont to the King of France, Jan. $\frac{18,}{28,}$ 1604, *King's MSS.* 124, fol. 374 b.

refused at Boulogne to allow the ambassadors of the Queen of England to occupy an equal position with her own: she must now acknowledge her defeat by coming to London to beg for peace. After a delay of nearly four months the conferences commenced, the Constable[1] having sent his powers over to those whom he appointed to treat in his name.

Jan, 1604. Arrival of the Constable at Brussels.

On May 20 the Commissioners met for the first time. On the English side were the Lord Treasurer, the Lord Buckhurst of Elizabeth's reign, who had recently been created Earl of Dorset; the Lord High Admiral, the Earl of Nottingham, who, as Lord Howard of Effingham, had seen the Armada fly before him; the Earl of Devonshire, fresh from the conquest of Ireland, where he had been known as Lord Mountjoy; Lord Henry Howard, now raised to the peerage by the title of Earl of Northampton; and last, but not least, the indefatigable Secretary, Lord Cecil.

May 20. Meeting of the Commissioners.

On the part of Spain appeared the Count of Villa Mediana, who had been appointed Ordinary Ambassador to England, and Alessandro Rovida, Senator of Milan, upon whom was laid the chief burden of sustaining the interests of the King of Spain. The Archduke had sent as his representatives the Count of Aremberg, the President Richardot, and the Audiencer Verreyken.

As soon as some merely formal difficulties had been set aside, Rovida opened the discussion by proposing that England should enter into an offensive and defensive alliance with Spain.[2] This proposition having been instantly rejected, he then asked for a merely defensive league, or at least for a mutual promise not to assist those who were in rebellion against the authority of either Sovereign. This, of course, brought forward the real question at issue. Richardot asked Cecil in plain language what he intended to do about the

The conferences.

[1] Beaumont to the King of France, May $\frac{16}{26}$, 1604, *King's MSS.* 125, fol. 233.

[2] There is a most full and interesting report of these discussions, of which the original copy, in Sir T. Edmondes' hand, is among the *S. P. Sp.* There is a copy in *Add. MSS.* 14,033.

States. Fortunately, Cecil had now gained the full support of his master. James had already told Aremberg that he refused to consider the Dutch as rebels. Cecil begged the Commissioners not to press him to dispute whether they were rebels or no. However that might be, 'he would boldly affirm that the contracts which were made by the deceased virtuous and pious Princess (whose memory he was ever bound to honour) with those that call themselves by the name of the United Provinces were done upon very just and good cause.' He demanded whether Spain would regard the interruption of trade between England and Holland as essential to the peace; and Rovida was obliged to give way.

In fact, Cecil knew that he was playing a winning game. It was not his fault that the States refused to be included in the negotiations, but as they had, he was determined that they should suffer no loss which could possibly be avoided. He knew how necessary peace was for Spain. The Spaniards knew it too, and step by step they gave way before him.

By the treaty which, after six weeks of negotiation, was eventually drawn up, James vaguely promised that he would enter into negotiations with the States on the subject of the 'cautionary towns,' wherein he would assign a competent time 'to accept and receive conditions agreeable to justice and equity for a pacification to be had with the most renowned princes, his dear brethren, which, if the States shall refuse to accept, His Majesty from thenceforth, as being freed from the former conventions, will determine of those towns according as he shall judge it to be just and honourable, wherein the said princes, his loving brethren, shall find that there shall be no want in him of those good offices which can be expected from a friendly prince.'[1] With such unmeaning verbiage, which, as Cecil a few days later told Winwood to explain to the States,[2] meant nothing, the Spanish Commissioners were forced to be content. The garri-

July. Points agreed to with regard to Holland.

[1] The treaty is in *Rymer*, xvi. 617, in Latin. The quotations are taken from an English translation in *Harl. MSS.* 351.

[2] Cecil to Winwood, June 13, *Winw.* ii. 23. He pointed out that James was to judge what conditions were agreeable to justice and equity.

sons of the towns were to be considered neutral. No English ships were to be allowed to carry Dutch goods between Spain and the United Netherlands,[1] but no diplomatic arts could gain from the English a promise that their vessels would abstain from carrying Dutch merchandise elsewhere. It was no less in vain that the Spaniards urged that James should prohibit Englishmen from serving in the armies either of the enemies or of the rebellious subjects of his new ally. All that they could obtain was a promise that the King would not consent to the levy of troops for such purposes in his dominions. "His Majesty," said Cecil in writing to Winwood,[2] "promised neither to punish nor to stay, but only that he will not consent—a word of which you know the latitude as well as I." Nor was this a mere equivocation, kept in secret for future use. The Spaniards knew perfectly well what the clause was worth. They had asked that the volunteers which were now serving the States should be persuaded to return, 'which was thought reasonable by their lordships to be promised to be done, so far forth as the parties serving there would be induced thereunto; and thereupon the articles were so reformed as should neither import any such public revocation, nor to restrain the going of voluntaries thither.' At most, they were obliged to be contented with the promise that James would himself be neutral, and would throw no hindrances in the way of enlistment for the Archduke's service.

In estimating the effect of this treaty upon the States, it must be remembered that by none of its articles were they deprived of any assistance from England, which they had enjoyed since the last agreement in 1598.[3] At that time, Elizabeth, considering that the States were able to defend themselves, stipulated that they should pay the English soldiers in their service. This state of affairs was not affected by the treaty

[1] This point was not yielded till the Dutch merchants were consulted, *Winw.* ii. 23; and the Merchants' Statement, *S. P. Hol.* (undated).

[2] Cecil to Winwood, Sept. 4, *Winw.* ii. 27.

[3] Nor did they lose anything which they gained by the treaty between France and England in 1603, as the King of France continued to furnish the money.

with Spain. The only possible injury which they could receive would arise from the loss of the co-operation of the English ships; but, with their own flourishing navy, it was certain that this loss would not be severely felt. Dissatisfied as they undoubtedly were with what was, in their eyes, a desertion of the common cause, they could only lay their fingers upon two clauses of which it was possible to complain. The first was one by which a certain small number of Spanish ships of war were allowed to take refuge in an English port when driven by stress of weather, or by want of provisions or repairs; the other—against which Cecil had long stood out, and which was only conceded at the last moment, probably on account of the mercantile interests of the English traders—bound each of the contracting parties to take measures to throw open any ports belonging to the other which might be blockaded. It led, as might have been expected, to embarrassing negotiations with the States. Cecil, however, always maintained that the clause bound him to nothing. "Howsoever we may *dare operam*," [1] he wrote to Parry, "by persuasion or treaty, we mean not to keep a fleet at sea to make war upon" the Dutch "to maintain a petty trade of merchandise." Finally, it was agreed that if ever the States should be inclined to make any proposal to the Archduke, James should be at liberty to present it on their behalf, and to support it in any negotiations which might follow.

If the Spaniards were obliged to content themselves, in the clauses which related to the States, with ambiguities which would certainly not be interpreted in their favour, they fared little better in their attempt to obtain, from the English Commissioners, even the most indirect acknowledgment of the illegality of the English trade with the Indies. The English negotiators proposed that a proclamation should be issued forbidding English subjects from trading with places actually in the occupation of the Spanish Government, on condition that Spain would withdraw all pretensions to exclude them from trading with the independent natives. They

July. Trade with the Indies.

[1] The parties were bound '*dare operam*' that the ports should be opened.

refused, however, to bind themselves to obtain a written promise from the King that he would prohibit his subjects from engaging in the contraband trade, and the proposition was rejected. They contented themselves, as Elizabeth would have done if she had been alive,[1] with ignoring the whole subject in the treaty, though they expressed their opinion strongly enough in the conference.[2] To leave English traders to provide for their own defence would, in our own days, be sheer insanity. It is now understood that it is the duty of the Royal Navy to protect unarmed merchant ships in every quarter of the globe. In the beginning of the seventeenth century it was not likely that a single man-of-war would be found even a hundred leagues from the coasts of the British Islands. The vessels, half-merchantman, half-privateer, which were the terror of the Spanish authorities in the American seas, never thought of asking for the protection of the navy. They were perfectly well able to take care of themselves. The only question, therefore, which the English Government had to consider was, whether they should continue the war in Europe in order to force the King of Spain to recognise the right of these adventurers to trade within certain limits, or whether the war was from henceforth to be carried on in one hemisphere alone. If Spain insisted that there should be no peace beyond the line,[3] it would be better to leave her to reap the fruits of a policy which before long would give birth to the buccaneers.

The Inquisition.

One other question remained to be solved. Cecil had taken an early opportunity of proposing that English merchants trading with Spain should be free from the jurisdiction of the Inquisition. The Spanish Commissioners answered that where no public scandal was given, the King 'would be

[1] In her instructions to the Commissioners at Boulogne, the following passage occurs :—"If you cannot possibly draw them to consent to any toleration of trade, that at least you would yield to no prejudice of restriction on that behalf, but to pass that point over."—*Winw.* i. 212.

[2] Thus Northampton said : "Our people was a warlike nation, and having been accustomed to make purchases (i.e. prizes) on the seas, would not better be reduced than by allowing them free liberty of trade."

[3] *i.e.* the line beyond which all lands had been given by the Pope to the King of Spain.

careful to recommend' that the Inquisition should leave the belief of English merchants unquestioned; but they thought that those who openly insulted the religion of the country in which they were, would be justly amenable to its laws. Cecil, who was fully alive to the propriety of this distinction, but who knew the iniquitous character of the laws of Spain, protested that there was no reason that Englishmen 'should be subject to the passionate censure of the Inquisition, and be so strangely dealt withal as ordinarily they had been.' If these practices were to continue, the Spaniards who from time to time visited England should undergo similar ill-treatment. The subject was then dropped. When it was again taken up, it was agreed, after a long discussion, that an article should be framed to the effect that 'His Majesty's subjects should not be molested by land or sea for matter of conscience, within the King of Spain's or the Archduke's dominions, if they gave not occasion of public scandal.' The nature of public scandal was defined by three secret articles which were appended to the treaty.[1] It was agreed that no one should be molested for any act which he had committed before his arrival in the country; that no one should be compelled to enter a church, but that, if he entered one of his own accord, he should 'perform those duties and reverences which are used towards the holy sacrament of the altar;' that if any person should 'see the holy sacrament coming towards' him 'in any street,' he should 'do reverence by bowing' his 'knees, or else to pass aside by some other street, or turn into some house.' It was also stipulated that if the officers of any ships lying in a Spanish harbour did 'exceed in any matter herein, the Inquisition proceeding against them by office, is only to sequester their own proper goods, and are to leave free the ships, and all other goods not belonging to the offenders.'

These articles, which were copied from a similar agreement which had been made between Queen Elizabeth and the Duke of Alva, contained all that the English Government was justified in demanding. Every man who avoided giving public scandal would be freed from all molestation.

[1] *Winw.* ii. 29.

At last, after the work had been done, the Constable of Castile arrived, and on August 19 James solemnly swore to observe the treaty. The proclamation of the peace, in the City, was for the most part received in sullen silence, only broken here and there by exclamations of "God preserve our good neighbours in Holland and Zealand!" These good neighbours had just succeeded, by a masterly stroke of war, in capturing Sluys, to counterbalance their impending loss of Ostend. On the day on which James swore to the peace with Spain, there was scarcely a pulpit in London where thanksgivings were not offered for the success of the Dutch.[1] Nevertheless, those who had negotiated the treaty had the satisfaction of knowing that they had ended an arduous struggle by a just and honourable peace. In a few years the Dutch, left to themselves, would begin to think that it was not impossible for them to follow the example of England. No cause arising from the general position of Continental politics made it advisable to continue the war. The onward flow of Spanish power, which had threatened in the sixteenth century to swallow up the Protestant States, had slackened. The onward flow of Austrian power, which was destined to inundate Germany in the seventeenth century, was still in the future. For the present there was a lull, of which England would do well to take advantage. After the great war with Spain, as in later times after the great war with France, peace, retrenchment, and reform were the objects which every true statesman should have kept in view, if he wished to prepare the vessel of State to meet the coming storm. It was with this work that Cecil hoped to connect his name. He was still in full possession of the King's confidence. On August 20, the day after the solemn acceptance of the treaty, he was raised a step in the peerage, by the title of Viscount Cranborne.

Aug. 19. The treaty sworn to by James.

Aug. 20. Cecil becomes Viscount Cranborne.

The new resident Spanish Ambassador, the Count of Villa Mediana, had other things to do besides fulfilling the ordinary functions of his office. He came provided with gold, to win over the ministers of James to his master's service. That Northampton made no difficulty in accepting a

The Spanish pensioners.

[1] Caron to the States General, Aug. 21., *Add. MSS.* 17, 677 G. fol. 173.

pension of 1,000*l.* will astound no one. It is as little a matter for surprise that Suffolk, the old sea captain who had fought at the side of Raleigh and Essex, refused to contaminate his fingers with Spanish gold. Lady Suffolk, however, fell an easy victim, and it is probable that, through her, Lerma knew as much of her husband's secrets as if the Earl himself had been drawn into the net. She, with Dorset and Devonshire, had 1,000*l.* a year apiece. Sir William Monson, the Admiral who commanded in the Narrow Seas, not only received a pension of 350*l.* himself, but assisted the Ambassador in gaining others over, whilst another pension, of a similar amount, was assigned to Mrs. Drummond, the first Lady of the Queen's Bed-Chamber.

Northampton.

Lady Suffolk, Dorset, and Devonshire.

Sir William Monson.

Mrs. Drummond

But that which is, in every way, most difficult of explanation is that Cranborne himself condescended to accept a pension of 1,000*l.*, which was raised to 1,500*l.* in the following year.[1] Unluckily we know scarcely more than the bare fact. One of the Spanish ambassadors, indeed, who subsequently had dealings with him, pronounced him to be a venal traitor, who was ready to sell his soul for money. On the other hand we know that, up to the day of his death, his policy whenever he had free play, was decidedly and increasingly anti-Spanish. In the negotiations which were just over, he had been the steady opponent of the Spanish claims, and, almost at the very moment when he was bargaining for a pension, he was interpreting the treaty, as far as it was possible, in favour of the enemies of Spain. We know also, from the evidence of Sir Walter Cope, who, shortly after his death, wrote a defence of his character, at a time when every sentence would be scanned by unfriendly eyes, that he was not accessible to ordinary corruption ; and this statement is confirmed by the negative evidence of the silence of the letter-writers of the day on this

Cranborne.

Aug. 19.

[1] Memoir left by Villa Mediana, July $\frac{8}{18}$, 1605, *Simancas MSS.*, 2544. The names of the Earl of Dunbar, Lord Kinloss, Sir T. Lake, Sir J. Ramsay, and Sir J. Lindsay, are given for pensions, either suspended or not paid at all. Compare Digby to the King, Sept. 9, 1613, Dec. 16, 1615, April 3, 1616, *S. P. Spain.*

score, though their letters teem with stories of the bribery which prevailed at Court as soon as power had passed into other hands

There can, however, be no doubt that though he was generally looked upon as a man who was inaccessible to ordinary bribery, he was never regarded as indifferent to money. He had heaped up a considerable fortune in the service of the State, although he had not condescended to use any improper means to obtain wealth. It is possible that, as soon as the peace was concluded,—thinking as he did that it was likely to be permanent,—he offered to do those services for the Spanish Government which, as long as it was a friendly power, he could render without in any way betraying the interests of his own country; whilst, with his very moderate standard of morality, he did not shrink from accepting a pecuniary reward for what he did. This is probably the account of his relations with the French Government, from which also, according to a by no means unlikely story, he accepted a pension.[1]

Conjecture as to his intention.

But it is plain that, even if this is the explanation of his original intentions, such a comparatively innocent connection with Spain soon extended itself to something worse, and that he consented to furnish the ambassadors, from time to time, with information on the policy and intentions of the English Government. Yet the despatches of those ambassadors are filled with complaints of the spirit in which he performed his bargain. Of the persistence with which he exacted payment there can be no doubt whatever. Five years later, when the opposition between the two Governments became more decided, he asked for an increase of his payments, and demanded that they should be made in large sums as each piece of information was given. When afterwards England took up a position of almost direct hostility to Spain, the information sent home by the ambassadors became more and more confused.

Whatever the truth may have been, it is certain that Cran-

[1] At least Northampton told Sir R. Cotton that he believed that this was the case.—Examination of Sir Robert Cotton, *Cott. MSS.* Tit. B. viii. fol. 489.

borne was at no time an advocate of a purely Spanish policy. He knew well that, in order to preserve the independence of Europe, it was necessary that England should remain on friendly terms with France, which was now recovering, under Henry IV., the vigour which it had lost during the civil wars, and was standing in steady, though undeclared, opposition to Spain. Yet, necessary as this French alliance was to England, it was not unaccompanied by difficulties. Cranborne was not anxious to see another kingdom step into the place which had lately been occupied by Spain. Above all things, he did not wish to see the Spanish Netherlands in the hands of the power which already possessed such a large extent of coast so near to the shores of England. The prospect of danger which might possibly arise from such an increase of the dominions of the King of France, imparted a certain reticence, and even vacillation, to his dealings with the French ambassador, which increased the uncertainty of the policy of the English Government.

England and France.

Happily, whatever might occur in future times, there were, at the accession of James, no points of difference between France and England, excepting a few difficulties which had been thrown in the way of the English merchants who were engaged in the French trade. These were, however, removed by the signature of a commercial treaty, which directed the appointment of a permanent commission, composed of two English and two French merchants, who were to sit at Rouen for the settlement of disputes. Henry also gave up the iniquitous *droit d'aubaine*, by which the King of France laid claim to the goods of all foreigners dying within his dominions.[1]

The commercial treaty.

There was more difficulty in coming to an agreement upon the meaning of the treaty which had been signed at Hampton Court in 1603. According to its stipulations, France had furnished the Dutch with a considerable sum of money, deducting a third part from the debt owed by Henry to the King of England. As soon as the Spanish treaty was signed, Cranborne, who knew that James had no money to spare, declared that the agreement with France was no longer in force—an opinion which appears to have

Difficulty in interpreting the treaty of Hampton Court.

[1] *Rymer*, xvi. 645.

derived some colour from the somewhat ambiguous terms in which the treaty was couched. The French Government was of a contrary opinion, and continued to furnish the sums required by Holland in yearly payments, and to deduct a third of these payments from its debt to England.[1]

The relations with the States-General required far more careful consideration. It was certain that they would feel aggrieved at the treaty with Spain, and it was equally certain that the Spaniards would urge the English Government to break off all intercourse with the Republic. The first difficulty was presented by the expectation of the Spaniards that the English merchant vessels would be supported by their Government in forcing the blockade of the ports of Flanders. The merchants themselves were eager to open a new trade, and a large number of vessels made the attempt to get through the Dutch squadron. The Dutch were not likely to consent to see the fruit of their efforts to starve out their enemies thus thrown away in a day. The English vessels were stopped, and their crews were subjected to no gentle treatment.[2] Nor were the Dutch content with blockading the ports of Flanders. They pretended to be authorized to stop all trade with Spain, and captured upon the high seas some English vessels which were employed in carrying corn to that country.[3] This latter pretension was, of course, inadmissible; but Salisbury had no intention of supporting the merchants in forcing an actually existing blockade. In order, however, to fulfil the stipulation by which England was bound to take measures for opening the trade, a despatch was sent to Sir Ralph Winwood, who represented the English Government in Holland, directing him to request the States to be more moderate in their proceedings, 'and to beg them to agree to some regulations under which trade might, to a certain extent, be still carried on.'[4] A little later, a direct proposition was

The blockade of the Flemish ports by the Dutch.

[1] An account of the money paid is among the *S. P. Holland*, 1609.

[2] Winwood to Cecil, Sept. 12, 1604; *Winw.* ii. 31; and Sept. 28, 1604, *S. P. Holland.*

[3] Edmondes to Winwood, Sept. 30, 1604; *Winw.* ii. 33.

[4] Nottingham, &c., to Winwood, Oct. 25, 1604, *S. P. Holland.*

made, that the States should allow English vessels to go up to Antwerp, on payment of a toll.[1] The States refused to accept any proposition of the kind, and the ports remained blockaded till the end of the war. The English merchants who complained to their Government of the loss of their vessels received but cold answers, and were given to understand that there was no intention of rendering them any assistance. The pretension of the States to cut off all trade from Spain itself, without enforcing an actual blockade, was quietly dropped.

Although James had refused to advance any further sums of money to the States, he still allowed the levy of troops for their service in his dominions. A similar permission could not be refused to the Archduke ; but every difficulty seems to have been thrown in his way by the Government.[2]

1605. Levies for the States.

It was not easy to preserve the neutrality of the English ports. Questions were sure to arise as to the exact limits of the sovereignty of England. The crews of the fleet which guarded the Straits, under the command of Sir William Monson, were roused to indignation at the treatment which the sailors on board the merchant vessels endeavouring to break the blockade had received at the hands of the Dutch. Whilst, therefore, on land scarcely an Englishman was to be found who did not favour the cause of the States, the sailors on board the fleet were animated by very different feelings.[3] They even went so far as to capture a Dutch ship which was coming up the Straits with the booty which had been taken out of a Spanish prize.[4] The excuse probably was that it had come too near the English coast. The capture was, however, annulled by the Court of Admiralty.[5]

Difficulty of preserving neutrality.

The Spanish Government, in the hands of Lerma, was dis-

[1] Winwood to Cranborne, Feb. 10, 1605, *S. P. Holland.*

[2] Beaumont to the King of France, March $\frac{2,}{12,}$ April $\frac{16,}{26,}$ $\frac{\text{May } 22,}{\text{June } 1,}$ 1605, *King's MSS.* 127, fol. 237 ; 128, fol. 17 *b*, 103.

[3] Chamberlain to Winwood, Feb. 26, 1605, *Winw.* ii. 48.

[4] Beaumont to the King of France, Feb. $\frac{2}{12,}$ 1605, *King's MSS.* 127, fol. 157.

[5] Beaumont to Villeroi, April $\frac{9,}{19,}$ 1605, *King's MSS.* 128, fol. *ibid.*

tracted in its English policy between two tendencies which it was difficult to reconcile. As a temporal potentate the King of Spain needed a good understanding with England to enable him to overpower the Dutch. As a spiritual potentate—no other name befits the position which he claimed—he was bound, by the tradition of his house, to claim a right of interference with the religious condition of every Protestant country, which made a real understanding with England impossible. During his short visit to England the Constable of Castile had been informed by the Queen of her wish that her eldest son Henry should marry the Infanta Anne, the eldest daughter of Philip III., who, as the future Philip IV. was yet unborn, was at that time the heiress of the Spanish throne. James, it would seem, did not raise any objection, and Northampton, whether truly or not, assured the Constable that Cranborne was favourable to the project. The Constable,[1] who was, no doubt, prepared for the overture, declared that his master would gladly give his consent, if he could obtain satisfaction as regarded education and religion. When he left London on August 25, he left with Villa Mediana, who remained as resident ambassador, instructions to inform James that if the negotiation was to be carried on, his son must be sent to Spain to be educated as a Catholic.

1604. Proposed marriage between Prince Henry and the Infanta.

Poposal to educate the Prince as a Catholic.

Such, according to the two ambassadors, was the only human means of reducing England to the Catholic religion and to the bosom of the Roman Church.[2] It is no wonder that the immediate effect of the proposal was to open James's eyes to the real views of Spain, and to make him yield to the pressure under which he was constantly placed to hold a stricter hand with the English Catholics.

If James had been hitherto tolerant, his tolerance had been, in great part, owing to his failure to recognise that the Papal system was unchangeable. Not very long before the Constable's departure, he had been chattering, with an agent of the Duke of Lorraine, of his readiness to

James's talk about union with Rome.

[1] Notes left with Villa Mediana, *Simancas MSS.* 841, 134.

[2] Villa Mediana to Philip III. $\frac{\text{Aug. } 29,}{\text{Sept. } 8,}$ *ibid.* 841, 130.

acknowledge the Roman Church as his mother, and the Pope as Universal Bishop with general spiritual jurisdiction. If the Church of Rome would make one step in the direction of union, he was ready to make three. It could not be said that he was obstinate. He was quite ready to believe all that was in the Scriptures, and in the teaching of the Fathers of the first three centuries. He took more account of the works of St. Augustine and St. Bernard than of those of Luther and Calvin. He was sorry that he had been obliged, against his will, to consent to the new Recusancy Act, but it was in his power to put it in execution or not, as he thought best, and he would never punish the Catholics for religion only.[1]

It was a rude awakening from James's dream of a union in which Rome was to abandon its distinctive principles, when he was confronted with a demand that his son should be educated in a foreign land, in order—it was impossible to doubt the intention of the demand—that he might some day bring England under that yoke which James himself refused to bear.

Unluckily for the English Catholics, their case was again under the consideration of the Government when this demand was made. Without instructions from the King, some of the judges had taken upon themselves to carry the Recusancy Act into effect. At Salisbury a seminary priest named Sagar was condemned and executed. A layman suffered a similar fate on the charge of abetting him in the exercise of his functions.[2] At Manchester several persons suffered death.[3] It is probable that these barbarities were the work of the judges themselves. It was quite in accordance with James's usual negligence of details that he

The Recusancy Act carried into effect by the judges.

[1] Del Bufalo to Aldobrandino, Sept. $\frac{11}{21}$ (implying an earlier date for the conversation), *Roman Transcripts*, *R. O.* The embassy from Lorraine is mentioned in Carleton's letter to Chamberlain, Aug. 27, *S. P. Dom.* ix. 25

[2] Challoner's *Missionary Priests*, ii. 44.

[3] Jardine, *Narrative of the Gunpowder Plot*, 45, from the Rushton Papers. He asserts that the judges, before proceeding on this circuit, received fresh instructions to enforce the penal statutes. But here, and in many passages, he has been misled, by following other writers in the chronological mistake of supposing that Feb. 14, 1604, in *Winwood* ii. 49, meant Feb. 14, 1603–4 instead of 1604–5.

should have neglected to give positive orders to avoid bloodshed; and the fact that he did give such orders in the following year, even when he was urging the judges to put in force the penal laws, is a presumption against his having been the author of these executions.[1]

It is by no means improbable that the judges brought back with them a report of the increasing number of recusants.[2]

Sept. 5. Commission to preside over the banishment of priests.

Either through alarm at this danger, or through annoyance at the extraordinary demand which had just been made to him by the Spanish Ambassador, James determined at first to fall back on his original plan: to exile the clergy and to spare the laity. On September 5, commissioners were appointed to preside over the banishment of the priests.[3] It was not a measure which was likely to prove effectual. On September 21, such priests as were then in prison were sent across the sea. From the other side they addressed a dignified and respectful letter to the Privy Council, complaining of the injustice of their treatment, and declaring that they were in no wise bound to remain abroad. Before the expulsion of the priests, the Council on September 14 discussed the case of the lay Catholics, and by a considerable majority recommended that the law should not be put in force against them. As Cranborne voted with this majority, it is to be presumed that the resolution of the Council was in accordance with the wishes of the King.[4]

The Catholic laity to be spared.

It was hardly likely that persecution, once commenced,

[1] The Nuncio at Paris, no doubt from information derived from the English Catholics, says that the executions were 'senza la participatione di quel Rè. (Del Bufalo to Aldobrandino, Aug. $\frac{14}{24}$, *Roman Transcripts*, *R. O.*) Bacon seems to imply that the judges in Elizabeth's reign sometimes acted as I have supposed their successors in the reign of James to have done, *in fel. mem. Eliz.* Lit. and Prof. Works, i. 301.

[2] The reported increase of recusants in the diocese of Chester, referred to at p. 202, is made up to August.

[3] Commission to Ellesmere and others, Sept. 5, *Rymer*, xvi. 597.

[4] The Banished Priests to the Council, Sept. 24, Tierney's *Dodd.* iv. xc.

would stop here.[1] Thomas Pound, an aged Lancashire Catholic, who had suffered imprisonment in the late reign for his religion, took up the case of the unfortunate persons who had suffered at the late assizes in the northern circuit. Serjeant Phelips had condemned a man to death simply 'for entertaining a Jesuit,' and it was said that he had declared that, as the law stood, all who were present when mass was celebrated were guilty of felony.[2] Pound presented a petition to the King, on account of which he was arrested, and, by order of the Privy Council, was prosecuted in the Star Chamber. According to one account, he merely complained of the persecution which the Catholics were undergoing, and of the statements made by Phelips at Manchester. There is, however, reason to suppose that he charged Phelips with words which did not in reality proceed from him.[3] Whatever his offence might have been, the sentence of the Star Chamber was a cruel one. After browbeating and abusing him for some time, the Court condemned him to a fine of a thousand pounds, and to be pilloried at Westminster, and again at Lancaster. In all probability he did not undergo his punishment at Westminster. He was taken to Lancaster at the spring assizes of the following year, and having there made submission, he was apparently allowed to return home. His fine was first reduced to 100*l.*,[4] and in the end was remitted altogether.[5]

Nov. Pound's case.

[1] Notes of a debate in the Council Sept. $\frac{14}{24}$, *Simancas MSS.* 841, 184. The majority were Northampton, Cranborne, Dorset, Suffolk, Northumberland, Nottingham, and Lennox; the minority, Burghley, Kinloss, and Ellesmere.

[2] More to Winwood, Dec. 2, 1604, *Winw.* ii. 36. See Jardine, p. 45.

[3] At least I cannot understand in any other way the words in the proceedings at York and Lancaster, *S. P. Dom*, v. 73. The true date is in the spring of 1605. It is calendared among the undated papers of 1603. The passage is "First, Mr. Pound there," i.e. at Lancaster, "being resolved both by the Attorney of the Wards, and Mr. Tilsley, to whom he appealed in the Star Chamber for testimony, and by all others the Justices of the Peace at the former and this assizes present, of the untruth of his information to His Majesty, he thereupon confessed his fault."

[4] Compare Eudæmon Johannes. *Col. Ag.* 1610, p. 238, with Abbot's *Antilogia*, fol. 132 *b.* List of Fines, *S. P. Dom.* xliii. 52.

[5] At least I have been unable to find any trace of its payment in the Receipt Books of the Exchequer.

About the time when Pound was before the Star Chamber, it was resolved to take another downward step in the career of persecution. In spite of the assurance given by the Council to the Catholic gentlemen, towards the end of 1603, it was now determined that the fines for recusancy should be again exacted from the thirteen wealthy gentlemen who were liable to pay 20*l.* a month. The unfortunate men had given no pretext for this harsh treatment. It is quite possible that James's only motive was his extreme want.[1] Still there was much wanting to fill up the measure of the Elizabethan persecution. Thirteen persons alone suffered, whilst as yet no step was taken to trouble those who were not possessed of sufficient wealth to expose them to the monthly fine.

Fines for recusancy again required.

Such half-measures could not last long. Those who were most concerned in watching the course taken by the Government must have known that at any moment they might be exposed to all the weight of the old system, the terrors of which were still suspended over their heads. An event which occurred in the beginning of 1605 brought the blow down upon them.

Towards the end of 1604 Sir James Lindsay was ready to proceed to Rome. He had been well received by James, who had granted him a pension, and he was entrusted with general messages of civility to the Pope, which were backed by the paper of instructions—a copy of which must have found its way to Rome some months previously.[2] As he was on his journey, he gave out that he was employed by James to carry a message to the Pope, though he acknowledged that he was not travelling in any public capacity.[3] On his arrival, he saw Cardinal Aldobrandino, who

Nov. 28. Sir James Lindsay goes to Rome.

[1] The date of the resumption of these payments is Nov. 28, 1604, though the measure may have been resolved on some little time before. The fact that the fines were renewed before the payments for lands were demanded, is placed beyond doubt by the Receipt Books of the Exchequer. They were paid by the same thirteen persons who had paid at James's accession, and were reckoned from the 30th of July, the day of the pardon ot arrears.

[2] Having been delivered by Parry to the Nuncio at Paris. See p. 141.

[3] This seems to be the best way of reconciling the statement of Parry *S. P. Fr.* Jan. 9, 1605), who says that in Germany and Savoy Lindsay

introduced him to the Pope.[1] According to a report which reached Paris, he gave out, not only that the Queen was already a Catholic in heart, but that James was ready to follow her example if only he could have enlightenment on some particular points, such as that of the Pope's supremacy over kings. According to his own account, he did not say a word beyond his instructions.[2] But James's language varied from time to time, and he had often used phrases bearing a meaning much stronger than he would have been ready deliberately to assent to. At all events, the Pope gathered from Lindsay that something might be done with James. With his fervent hope of winning back England to the See of Rome, and his ignorance of the real feelings of Englishmen, he was ready to catch at the slightest symptom of a change. There was a passage in the instructions which may have been sufficient for a sanguine mind, especially when it had received the assistance of Lindsay's comments. James had declared that he would never reject reason when he heard it, and that he would never be deterred by his own 'pre-occupied self-opinion' from receiving anything which might be proved to be 'lawful, reasonable, and without corruption.' Clement had heard something very like this before. In the mouth of Henry IV. such words had been the precursors of conversion; why should not the same thing take place again? The Pope was overjoyed: he immediately appointed a committee of twelve cardinals for the purpose of taking into consideration the condition of England.[3] Cardinal Camerino talked of sending to the King a copy of Baronius's huge 'Church History,' which, uncritical as it was, was regarded at Rome as establishing

1605. The Pope expects to convert England.

had qualified himself 'with the title of His Majesty's Ambassador,' with Lindsay's own declaration at Venice, that he had no commission from the King.—Villeroi to Beaumont, Dec. $\frac{12}{22}$, 1604. *King's MSS.*, 127, fol. 77.

[1] Aldobrandino to the King, Jan. $\frac{13}{23}$, 1605, *S. P. Italy.*

[2] Lindsay to the King, Jan. $\frac{13}{23}$, 1605, *S. P. Italy.* Compare Villeroi to Beaumont, Dec. $\frac{12}{22}$, 1604. *King's MSS.* 127, fol. 77.

[3] With Lindsay's letter, compare Parry to Cranborne, Feb. 7 (true date, dated in orig. Jan. 7), 1605, *S. P. France.*

the claims of the Popes upon a thoroughly historical basis.[1] The Pope ordered that prayers, in which he himself joined with great earnestness, should be offered up for the welfare of the King and for the conversion of England.[2] Lindsay was informed that the Cardinals had recommended that some one should be sent to England, but that they had not been able to decide whether they should send 'a legate, a nuncio, or some secular gentleman.'

James was greatly annoyed.[3] For a week or two all Europe believed that he was about to renounce his faith. He immediately directed his ambassador at Paris to declare that he had no intention of changing his religion. If the Nuncio brought him Cardinal Camerino's present he was to take it rather than give offence by refusing; but he believed that it was all a trick to make men suppose that he was engaged in secret negotiations with Rome.

February. Effect of the news upon James.

These rumours reached England at an unfortunate time. During the winter James had been employing his energies in his attempt to suppress Puritanism, and was therefore already labouring under a suspicion of a leaning towards Popery.[4] All in whom he reposed confidence, and who were not either openly or secretly Catholic, wished for the re-imposition of the fines. "I love not," wrote Cranborne, a little after this time, "to yield to any toleration; a matter which I well know no creature living dare propound to our religious sovereign. I will be much less than I am or rather nothing at all, before I shall ever become an instrument of such a miserable change."[5] James's

[1] See Pattison's *Casaubon*, 362.

[2] Lindsay to the King, $\frac{\text{Jan. } 26,}{\text{Feb. } 5}$, 1605, *S. P. Italy*. For Lindsay's account of himself, see also Lindsay to Semple, Sept. 18, 1605, *S. P. Spain*.

[3] Henry IV. told the Nuncio Barberini that James had spoken to his ambassador as if the affair of Lindsay was his principal grievance. Barberini to Valenti, May $\frac{12,}{22,}$ *Roman Transcripts*, *R.O.*

[4] "I wish, with all my heart, that the like order were taken, and given not only to all bishops, but to a magistrates and justices, to proceed against Papists and recusants, who, of late, partly by this round dealing against Puritans, and partly by reason of some extraordinary favour, have grown mightily in number, courage, and influence."—Archbp. Hutton to Cranborne, Dec. 18, 1604, *Winw.* ii. 40.

[5] Cranborne to Hutton, Feb., *Lodge*, iii. 125.

principles were once more tried, and they gave way beneath the test. He would prove the purity of the motives which led him to persecute the Puritans by adding to his offence the persecution of the Catholics also.

He made his determination known on February 10. On that day he was to address the Council on the subject of the Northamptonshire petition. "From the Puritans," we are told by one who was probably an eye-witness of the scene, "he proceeded to the Papists, protesting his utter detestation of their superstitious religion, and that he was so far from favouring it as, if he thought that his son and heir after him would give any toleration thereunto, he would wish him fairly buried before his eyes. Besides, he charged the Lords of the Council and the Bishops present that they should take care themselves, and give order to the judges of the land, to the justices and other inferior officers, to see the laws speedily executed with all rigour against both the said extremes."[1] Three days later, the Chancellor charged the judges to put the laws into execution at the ensuing assizes, only taking care to shed no blood. A similar intimation was conveyed, by the Recorder of London, to the Lord Mayor and Aldermen.

He determines to put in force the penal laws.

The effect of these admonitions was not long in showing itself. On the day after the Lord Mayor had been informed of the King's wishes, forty-nine persons were indicted at the sessions which were then being held for London and Middlesex. In different parts of England five thousand five hundred and sixty persons were convicted of recusancy.[2]

It must not, however, be supposed that anything like this number were actually called upon to surrender the two-thirds of their lands required by the law. Large numbers bought themselves off by giving a small bribe to one or other of the King's Scottish favourites who were mostly favourable to the Catholics, or even by offering to the

Fines actually levied.

[1] —— to the Bishop of Norwich, Feb. 14, 1605. *Ellis*, 2nd ser. iii. 215. Chamberlain to Winwood, Feb. 16, 1605, *Winw.* ii. 48. In the printed copy the date is incorrectly given as Feb. 26.

[2] See the papers printed in Tierney's *Dodd.* iv. App. xcii. The originals are in the *S. P. Dom.* xii. 80 and liv. 65. Mr. Tierney has ante-dated the

King himself a payment less than that which the law allowed him to take.[1] The number of those who paid the full two-thirds, in consequence of these indictments, was one hundred and twelve. There were also sixty-five persons whose lands had been previously sequestered. The rents of the lessees of these lands had been allowed to fall into arrear, and these arrears were now demanded. In the year 1606, when these arrangements had come into full operation, many of those whose lands had paid in the previous years were exempted from payment. The total number of persons whose lands were charged in that year was one hundred and sixty-two. Of this number, twenty-eight had paid even in the exceptional year 1604, forty-two had been liable to pay, but had been excused, and the remaining ninety-two had been fresh additions to the list since the spring of 1605.[2] The amount received from this source, which in 1604 had been 1,132*l.*, rose in 1606 to 4,397*l.*

first of these papers by a year. The latter, which is placed in the calendar among the undated papers of 1606, may be restored to its true place by comparing it with v. 73; the date of which is fixed, by the mention of Pound, to the spring of 1605.

[1] News from London, Sept. $\frac{10}{20}$, *Roman Transcripts, R O.*

[2] These calculations are based upon the Receipt Books of the Exchequer. The difficulty of collecting so many names and figures from a series of accounts extending over six thick folio volumes, is so great that it is quite possible that a few names may have escaped me. I am, however, sure that any errors of this kind are not of sufficient consequence to affect the substantial accuracy of the results. The subsequent calculations have been made in the following manner:—In 1604, 37 persons were charged, and arrears were afterwards paid by the lessees of the lands of 65 persons. Two names appear in both lists, being charged for different pieces of lands. Accounting for these, we have a total of 100, as the number of those liable previously to February 1605. Of these, 70 only reappear in 1606, and there are 92 new names. In 1605, there were 38 new names, of which 18 reappear in 1606, and 20 do not reappear. Adding this 20 to 92, we have 112 as the highest possible number of persons losing their lands in consequence of indictments in 1605. Persons indicted after Easter 1606 would not be liable to payment till after Easter 1607. On the other hand, it is not impossible that some of these 112 may have been possessed of lands which had been leased out in the Queen's times,

Besides these additions to the list of those who were liable to payments for land, one name had been added to those who were called upon for the statutary fine of 20*l.* a month. The number of those who made this high payment was now fourteen, till the death of Sir Thomas Tresham, in September 1605, again reduced it to thirteen.[1]

A smaller amount was obtained by the seizure of the goods and chattels of recusants. This in 1605 reached 368*l.*, in 1606 472*l.* It must have been a particularly annoying mode of obtaining money; and it is plain, from the smallness of the sums which were levied from each person, that it was regarded as a means of rendering the poor Catholics as uncomfortable as possible.

The arrears which were called for in 1605[2] reached the sum of 3,394*l.*; but as the yearly or half-yearly rent due in that year was reckoned together with the payments which had lapsed in former years, a sum of 2,000*l.* will be more than enough to cover all that can properly be called arrears.

though for some reason they had not paid in 1604, and had not been called upon for arrears. These arrears were, of course, paid by the lessees, though they probably fell eventually on the owners. Mr. Jardine's figures, (*Narrative*, p. 19) are quite erroneous. He must have been led astray by some inefficient copyist; as the figures in the MS. from which they are taken are quite plainly written; see *Notes and Queries*, 2nd series, ix. 317.

[1] Though sixteen were liable, only thirteen had actually paid at any time since James's accession.

[2] In this statement, the years mentioned are financial years, commencing on Easter-day. I have no wish to say anything which may diminish the reprobation with which the whole system must be regarded, but it is certainly rather curious to contrast the real facts of the case with the exaggerations of Lingard, who has been more or less closely followed by succeeding writers. He says that the 20*l.* fines were demanded, 'not only for the time to come, but for the whole period of the suspension;' that 'the least default in these payments subjected the recusant to the forfeiture of all his goods and chattels, and of two-thirds of his lands.' What happened was bad enough, but the 20*l.* men were never called upon for arrears, and, as far as I have been able to trace the names, the forfeitures of goods and chattels were only demanded from those from whom no lands had been seized. Mr. Jardine, amongst others, adopted these erroneous statements, *Narrative of the Gunpowder Plot*, 23.

The Catholic gentry must have been especially aggrieved by the knowledge that much of the money thus raised went into the pockets of courtiers. For instance, the profits of the lands of two recusants were granted to a footman,[1] and this was by no means an isolated case.

If the victims were dissatisfied, zealous Protestants, on the other hand, doubted whether enough had been done. When the judges were leaving London for the summer assizes, James again laid his commands upon them not to spare the Papists. Upon this, Sir Henry Neville[2] wrote to a friend, telling him that it was 'generally feared that there' would 'be none of the priests executed, without which,' he doubted, 'all the other provision' would 'be fruitless; for they are the root and fountain of all the mischief.' . . . "For my part," he proceeded to write, "I am persuaded they are irrecoverable, and will never be satisfied nor made sure to the State unless they have their whole desire at the full. And, however they pretend now to seek only impunity, yet, that obtained, assuredly they will not rest there, till they have obtained a further liberty. Therefore, if we mean not to grant all, we were as good deny all, and put them to an issue betimes, either to obey or not, lest it break out *alieniore tempore*, when they be more prepared, and we peradventure entangled in some other business."

Protestant view of the case.

The equal repression of Puritans and Catholics, the old policy of Elizabeth, which James now adopted, was the policy favoured by Cranborne. That statesman, so energetic and diligent, but with so little power of forecasting the future, stood higher than ever in his master's favour. On May 4, 1605, he was created Earl of Salisbury, in reward for his many services.

Thus ended this attempt at toleration, the first made

[1] Worcester to the Council, June 17, 1605; *S. P. Dom.* xiv. 43. The money was not given to the grantee till after it had been paid into the Exchequer, so that the owner of the land possibly knew nothing of his own particular case; but he must have had a general knowledge of these proceedings.

[2] Neville to Winwood, *Winw.* ii. 77.

by any English Government. James I. had given way, partly no doubt through lack of firmness. But, in the main he had succumbed to the real difficulties of the situation.

Difficulties in the way of toleration.

The Catholics were no petty sect to which a contemptuous toleration might be accorded. They were still a very considerable portion of the community, even if the calculation frequently made at that time, that they amounted to one-third of the population, be discarded as a gross exaggeration. No doubt, to the majority of the Catholic laity, smarting under recent persecution, the calm upon which they had entered soon after the King's accession, was sufficient gain. But to the clergy it could not be so. The priests were men who had hazarded their lives to disseminate that which they believed to be divine truth, pure and undefiled. They could not be content now with the mere edification of their existing congregations. They would feel themselves to be base indeed if they did not fulfil the mission on which they had come. Yet, as the number of Catholics increased—when the fear of persecution was removed it was certain to increase—it would not be the mere growth of an obnoxious religion with which a Protestant Government would find itself confronted. The Church which these men joined was pledged to change the moral and intellectual atmosphere in which Englishmen moved and breathed. Neither freedom of thought nor political liberty had as yet reached their perfect development in England, but it was beyond doubt that the victory of the Papacy would extinguish both. Even the received maxims of the nineteenth century would hardly be proof against a demand for toleration put forward by a community which itself refused toleration to all those principles on which our society is based, if it had any chance of acquiring sufficient strength to employ against others that persecution which in its own case it deprecated. The one condition which renders toleration possible is a sense of security; either from the overwhelming strength of those who have the power to persecute, or from the existence of a general opinion adverse to the employment of force in the suppression of opinion. It is certain that in the England of the opening of the seventeenth century

no such condition was present. No general feeling in favour of toleration existed. Whether English Protestantism were strong enough to defy the Papacy and all its works may be a question to which different answers may be given, but there can be no doubt that those who were intrusted with its guardianship did not feel confident of the results if it were left unsupported by the State. For a quarter of a century the tide of the Catholic reaction had been flowing steadily on upon the Continent. In Germany and in France the Jesuits had been gaining ground persistently, and those who governed England were determined that, as far as in them lay, it should not be so here.

If we may fairly regret that the National Church had not been able to enlarge its borders in accordance with the advice given by Bacon and the House of Commons, it was well that the favoured portion of it should be that which was unhampered by the petty susceptibilities of the lower Puritanism. A great intellectual struggle with Rome was impending, a struggle which must be conducted on other lines than those which had sufficed for the reasoners of the preceding century. It would not now suffice to meet dogmatism with dogmatism. The learning of Baronius and Bellarmine must be met with a deeper, wider learning than theirs ; by a more accurate knowledge of the history of the past, by a firmer grasp on the connection of truth, and on the realities of human nature. It was perhaps inevitable that those who were preparing themselves for this work, should be repelled by the narrowness of contemporary Puritanism, and should not perceive that they too represented a phase of religion which the Church could ill afford to be without.

As yet the evil was not great. The Calvinistic doctrines were not proscribed. There was no very strict inquisition into the absolute conformity of a minister with every minute requirement of the rubrics, provided that he conformed on those points which had recently attracted attention. The Church under James was still in the main a national one. But the danger of its becoming a sectional Church was there, partly because after the cessation of danger from without men's minds were inclined

to follow divergent courses, partly because the Church had attached itself to the State, and in James's hands the State was already becoming less broadly national than it had been in the days of Elizabeth.

It was this danger which was the main result of the Hampton Court Conference. The teaching of an age will always reflect its sentiments as well as its knowledge. James had now ruled that those who shared in those sentiments should be excluded from teaching. The Church of England was not to be quite as comprehensive as Bacon wished it to be. If it should come to pass that a Sovereign arose who wished it to be less comprehensive still, it might go hard with that Sovereign. It may be that the course taken would ultimately have been inevitable, that it would have been impossible to provide any organization in which such a man as Whitgift could have worked harmoniously with such a man as Cartwright. But if this were the case, some place must be found for the proscribed elements. If the Church was to cease to be comprehensive it must become tolerant. Men must agree to worship separately in peace if they cannot agree to worship peacefully together.

A system in which an established Church is surrounded by independent tolerated churches may not be ideally perfect, and even in England it is not likely to hold its own for ever. But it was the only solution of the problem fitted for the seventeenth century when once Bacon's solution had been rejected. It gave to the national religion in a new way that combination of organization with individual liberty which Bacon had seen to be indispensable. In the development of this religious liberty the Catholics, little as they knew it, were even more deeply interested than the Puritans. Only when the two parties which divided Protestant England were pacified, either by peaceful union or peaceful separation, would they feel themselves strong enough to tolerate an enemy so formidable as the Church of Rome.

CHAPTER VI.

GUNPOWDER PLOT.

THE renewal of the persecution of the Catholics may appear to the historian to be the inevitable result of the claim of the Pope to universal authority, under the conditions of the times. It was not likely to appear in that light to the Catholics themselves. They would see no more than the intolerable wrongs under which they suffered; and it would be strange if there were not some amongst them who would be driven to meet wrong with violence, and to count even the perpetration of a great crime as a meritorious deed.

Indignation of the Catholics.

Robert Catesby, who was possibly a convert from Protestantism, was a man capable of becoming the leader in any action requiring clearness of head and strength of will. He was a born leader of men, and had the rare gift of a mind which drew after it all wills in voluntary submission. At the end of Elizabeth's reign he had despatched to Spain Thomas Winter, in company with the Jesuit Greenway, to urge Philip to send an invading force to England. He was to assure the Spaniards that they would not want allies amongst the warlike companions of Essex, who had now lost hope of employment after the Earl's death. Philip and Lerma adopted the proposal, and promised Winter to send a force to Milford Haven in the spring of 1605. Then came the death of the Queen. Catesby sent another of his friends, named Christopher Wright, to Spain, to know if there was still any hope of Spanish intervention. Wright was at once able to report that there was none. The Spaniards were all bent on peace with James.[1]

Catesby.

Winter's mission to Spain.

No help to be expected from Spain.

[1] T. Winter's declaration, Nov. 26, 1605, *Hatfield MSS.* 112, fol. 91.

By the time that this news reached Catesby, James had arrived in England, and under pressure of the Privy Council had given orders for the first temporary collection of the Recusancy fines. As Catesby brooded over the wrongs of his Church—wrongs which were made the more palpable to him by the fact that so many of his kinsmen and friends were suffering by those evil laws—the idea arose within him, though we cannot tell how far it was as yet defined in his mind, of righting the grievous wrong by destroying both the King and Parliament by means of gunpowder, and of establishing a Catholic Government in their place. Perhaps the design had not completely taken shape when, one day, a Catholic friend, Thomas Percy, rushed into his room. Percy was a relative of the Earl of Northumberland, and, at this time, was acting as his steward. Through him James, whilst yet in Scotland, had conveyed assurances of relief to the English Catholics. He now believed himself to have been a dupe whose easy credulity had held back his co-religionists from active measures. He angrily told Catesby that he had resolved to kill the King. "No, Tom," was the reply, "thou shalt not adventure to small purpose ; but, if thou wilt be a traitor, thou shalt be to some great advantage." Catesby added that 'he was thinking of a most sure way,' and would soon let him know what it was.[1]

May, 1603. Catesby conceives the idea of the plot.

Percy proposes to murder the King.

A few weeks later matters looked brighter for the Catholics. In July their fines were suspended, and during the remainder

[1] Garnet's declaration, March 8, 1606, *Hatfield MSS.*, 110, fol. 30. This valuable paper throws back the original conception of the plot nine or ten months earlier than has hitherto been supposed. It is true that Garnet expressly said, in a subsequent examination of March 10 (*Hatfield MSS.*, 110, fol. 35) : "I never was told, nor can imagine, when or where Percy moved the matter first, for all my knowledge came by a sudden and short relation by Mr. Greenwell," *i.e.* Greenway ; but the reference to Percy, at the time of his visit to Catesby, as one 'who, having been sent into Scotland to his Majesty by the Catholics to sue for toleration, and affirming here that the king had given his princely word to that effect, and seeing the same here not performed, was very much discontented,' can only apply to the time of the first imposition of the fines by James in May, 1603.

of the year a more tolerant system was established. So far as we know, Catesby said no more about his plan, and may possibly have intended to let it sleep, unless some changes for the worse took place in the policy of the King. That change came in February 1604. The proclamation for the banishment of the priests was not indeed carried into execution at the time, but it must have seemed, to a mind so sensitive as that of Catesby to the warnings of impending danger, to be ominous of evil days in store.

July. The plot suspended.

1604. Feb. 22. Effect of the proclamation against the priests.

A few days after the issue of the proclamation,[1] Thomas Winter, who was on a visit to his brother Robert, at Huddington, in the neighbourhood of Worcester, received a letter from his cousin, Catesby, entreating him to meet him in London on business of importance. After some hesitation, he consented. He found Catesby at Lambeth, in company with John Wright, who had for many years been one of his most intimate associates. On Winter's arrival, Catesby begged him to join in striking one more blow for the Catholic cause. He told him that he had formed a design which could scarcely fail of success. He proposed to blow up the Parliament House with gunpowder. God would surely favour them in taking vengeance upon that accursed den from whence had issued all the evils under which the country and the Church were suffering. Winter acknowledged that such a course would strike at the root of the evil, but reminded him that in case of failure 'the scandal would be so great which the Catholic religion might hereby sustain, that not only our enemies, but our friends also, would with good reason condemn us.' It does not seem to have occurred to him that the scandal would be at least as great if they succeeded. Catesby, with that strange power of fascination which he exercised over all with whom he came in contact, soon put an end

Winter summoned to London by Catesby.

He finds Wright with him.

Catesby proposes to blow up the Parliament House.

[1] It was in the beginning of Lent. Conf. of T. Winter, Nov. 23, *Gunpowder Plot Book*. This collection, kept apart amongst the State Papers, will hereafter be designated as *G. P. B.* In 1604 Ash Wednesday fell on the 22nd of February, the day of the issue of the proclamation.

to his hesitation. Winter did not leave him until he had given him a promise to risk his life in this or in any other design upon which his cousin might determine.

Winter sent into Flanders.

It was probably in deference to Winter's scruples that Catesby consented to his going over to Flanders, in order to obtain an interview with the Constable of Castile, who then was on his way to England to take part in the negotiations for peace. He was to attempt to secure his intervention with the King on behalf of the English Catholics. If he was unsuccessful—and it is plain that Catesby had no great hopes from that quarter—Winter was to engage the services of an Englishman who was then in Flanders, and whose known character for courage and skill were such as to make him a desirable acquisition to the plotters. This Englishman was Guido Fawkes.

April.

Winter left England early in April.[1] He obtained nothing but vague promises from the Constable; and from all that he heard, he came to the conclusion that but little reliance could be placed upon the Spanish Government. Towards the end of the month he returned, bringing Fawkes with him, who had agreed to come, on the general information that some design had been formed of which he was hereafter to learn the particulars. Soon after Winter's return, Percy, who seems not to have been acquainted before with the particulars of Catesby's scheme, appeared amongst the four conspirators. His first words as he entered the room in which they were sitting were, "Shall we always, gentlemen, talk, and never do anything?" Catesby took him aside and proposed that they should all join in taking an oath of secrecy before he disclosed its particulars. For this purpose, these five men met shortly afterwards in a house behind St. Clements, where they swore to keep any secrets which might be confided to them. They then went into another room in the same house, where they found Gerard, a Jesuit priest;[2] from

Winter brings Fawkes to England.

Accession of Percy to the plot.

May. They take an oath of secrecy.

[1] About Easter, which fell on the 8th of April. Exam. of Fawkes, Nov. 8, 1605, *G. P. B.*

[2] Fawkes's Exam. Nov. 9, 1605, *G. P. B.*

whose hands, having first heard mass, they received the Sacrament as an additional confirmation of their oath. He was, however, as there can be little doubt, left in ignorance [1] of the plot. As soon as they were again alone, Percy and Fawkes were made acquainted with the proposed scheme. It was agreed that a building abutting upon the Parliament House should be hired by Percy. Fawkes who, from his long absence from England was not in danger of being recognised, assumed the character of Percy's servant, and took the name of John Johnson. The agreement for the lease of the house was signed on May 24.

May 24. A house taken.

Shortly after the prorogation, the five plotters separated and went into the country, having first agreed to meet in London at Michaelmas. It was then understood that Parliament would assemble in February 1605, and the conspirators calculated that this would give them ample time for their preparations. During these months of waiting the position of the Catholics was rapidly deteriorating. In July the King had given his consent to the new Recusancy Act. In August it was put in force by some of the judges. In the beginning of September the commission was issued for the banishment of the priests. When, therefore, the conspirators returned to London in the autumn, their zeal was not likely to be blunted, and the imposition of the fines on the wealthy Catholics in November must have seemed to them to fill up the measure of James's guilt. In order to have a second place in which to collect the necessary materials, they hired the house at Lambeth in which Catesby usually lodged. They gave it into the charge of Robert Keyes,[2] a gentleman who had been living at the house

Deterioration of the prospects of the Catholics.

[1] Those who distrust the evidence of Fawkes, of Winter, and of Gerard himself in his autobiography, may give weight to Gerard's statement, that he never knew of the plot till it was publicly known, as this statement was made to the Rector of the English College at Rome in consequence of an order from the General of the Society upon his obedience.—Fitzherbert to Smith, March 15, 1631; Morris, *Condition of Catholics*, ccxlv.

[2] Keyes's examination, Nov. 30, *G. P. B.* He there says that he was informed a little before Midsummer.

of Lord Mordaunt, at Turvey in Bedfordshire, where his wife had the charge of the education of the children. He, too, was informed of the plot, and sworn to secrecy. When the time for commencing operations arrived, Fawkes was sent to London to examine the ground. He found that the house which Percy had taken had been selected by the Commissioners for the Union as the place in which their meetings should be held. This unexpected obstacle delayed the progress of the scheme till December 11. As soon as the conspirators obtained access to the house they commenced their labours, and by Christmas Eve they succeeded in removing the obstacles which separated them from the lower part of the wall of the Parliament House.

Dec. 11. The plotters begin the mine.

As was natural, they often talked over their plans during the intervals of work. They sincerely hoped that Prince Henry, the King's eldest son, might be with his father at the opening of the session, in which case he would be involved in a common destruction with him. Percy, who was now a gentleman pensioner, and, as such, had access to the Court, promised to secure the person of Prince Charles, who had recently been created Duke of York. The Princess Elizabeth—with the exception of an infant princess, the only other child of the King—was being brought up in the family of Lord Harington, at Combe Abbey, in the neighbourhood of Coventry, and she was consequently within reach of the residence of Catesby's mother, at Ashby St. Legers, in Northamptonshire. This would make it comparatively easy to obtain possession of the child. With this advantage, and with a little money and a few horses, these sanguine dreamers fancied that they would have the whole of England at their feet.

Plans of the conspirators.

Whilst they were still working at the wall, news was brought to them that Parliament was prorogued till October. Upon this they determined to give themselves a little rest. During this interval Catesby went to Oxford, and sent for Winter's elder brother, Robert, and for John Grant, who had married a sister of the Winters.[1]

Robert Winter and John Grant informed of the plot.

[1] Examination of R. Winter, Nov. 30, 1605, *G. P. B.* Examination

Robert Winter's house at Huddington, and Grant's house at Norbrook, in Warwickshire, were admirably suited for the carrying out of their future operations. After swearing them to secrecy, Catesby told them what he was doing. Winter made several objections, but Catesby's irresistible powers of persuasion were again brought into exercise, and Winter left him saying that it was a dangerous matter, but for his oath's sake, and for the love that he bore to his cousin, he would not reveal it.

Bates joins the plotters.

Bates Catesby's servant, had been already admitted to the secret. His master, seeing that he was evidently suspicious of what he heard and saw, thought it prudent

to confide the whole matter to him ;[1] but he was never allowed to take any prominent part in the conspiracy.

In the beginning of February, by which time the whole system of recusancy fines was once more in full swing, the plotters

Feb. 1605. Christopher Wright admitted.

again commenced operations. Finding the work as hard as ever, they sent for Wright's brother Christopher, to share it with them. His devotion to the cause was well known, and they were certain to find in him a

of J. Grant, Jan. 17, 1606, *G. P. B.* R. Winter to the Lords Commissioners, Jan. 21, 1606, *G. P. B.*

[1] In his Examination (Dec. 4, 1605, *G. P. B.*) he said that he was told about a fortnight less than a twelvemonth ago.

faithful confederate. They sent for the gunpowder which was stored at Lambeth, and were thereby enabled to release Keyes from his duty of watching it, and to employ him in digging at the wall. In spite of all difficulties, they worked on for another fortnight. It was not an easy task, getting through nine feet of wall. Besides their other difficulties, the water flowed in and hindered them in their work. About the middle of the month they again desisted from their labour.

Two or three weeks later they prepared for another effort. One day as they were working, a rustling sound was heard. Terrified lest their proceedings had been discovered, they sent Fawkes to find out the cause of the noise. He returned with the intelligence that it proceeded from a Mrs. Bright, who was selling off her stock of coals in an adjoining cellar. This cellar, as they found, ran under the Parliament House, so that it would be exactly suited for their object. Mrs. Bright agreed to sell the lease to them. This lease she held from a man named Whynniard, who was also the landlord of Percy's house. Percy told him that he required additional accommodation for his coals, as he intended to bring his wife to London.

March. The conspirators hear of a cellar that will suit them.

Their work being thus lightened, they proceeded to open a door between the house and the cellar,[1] through which Fawkes carried the twenty barrels of powder which had been brought from Lambeth. He placed upon the barrels several bars of iron, in order to increase the effect of the explosion. The whole was covered over with a thousand billets of wood and five hundred faggots. As soon as this was done, they all dispersed till October, when they expected that Parliament would meet.

During the course of the summer, the growing discontent of the Catholics may be traced by the renewal of the informations which from time to time reached the Government of the suppressed dissatisfaction which here and there came to the surface. Men went about with wild talk of insurrections and revolutions, and predicted to their Protes-

June. Discontent among the Catholics.

[1] Examination of Fawkes, Nov. 5 and 6, 1605, *G. P. B.*

tant neighbours the near approach of the day when blood would again flow for the cause of Holy Church.[1] Amongst the Welsh mountains Catholic priests preached to large congregations.[2] In Herefordshire, the Sheriff came into actual collision with a body of Catholics, who were especially numerous in that county.[3] In August and September, in spite of the King's charge, three laymen were executed for attempting to convert their neighbours.[4]

Meanwhile the conspirators had not been idle. When they left London in the spring, Fawkes was sent over to Flanders, where he imparted the plot to the Jesuit Owen, who 'seemed well pleased with the business.'[5] He advised him not to acquaint Sir William Stanley with the conspiracy, but promised that as soon as it had taken effect, he would inform him of all the particulars, and would engage his assistance in the insurrection which was expected to break out in England. Fawkes returned to London about the end of August.

Proceedings of Fawkes,

At this time, Lord Arundel of Wardour, a Catholic nobleman, who had seen much service on the Continent, was levying a body of men in England for the service of the Archduke. In forwarding this object, Catesby was particularly busy. He contrived that several of the officers should be appointed from amongst his friends,[6] and entered into an understanding with them that they should be ready to return to England whenever the Catholic cause required their assistance. In September, he sent a certain Sir Edmund Baynham on a mission to the Pope. It is doubtful how far the particulars of the plot were revealed to him. He was to be on the spot, in order that, as soon as the

and Catesby.

September.

[1] Depositions as to seditious speeches uttered by John Parker, Aug 31, 1605, *S. P. Dom.* xv. 43.

[2] Barberini to Valenti, Sept. $\frac{12}{22}$, *Roman Transcripts*, *R. O.*

[3] Bishop of Hereford to Salisbury, June 22, 1605, *S. P. Dom.* xiv. 52.

[4] Challoner's *Missionary Priests.*

[5] T. Winter's Confession, Nov. 23, *G. P. B.*

[6] Jardine, 61, from Greenway's *MS.* Compare Birch's *Historical View*, p. 251.

news arrived at Rome of the destruction of the tyrants, he might win the Pope over to second the further efforts of the conspirators. Of the three priests who were afterwards inculpated, Gerard may perhaps have been aware that some scheme of unusual importance was on hand, though there is strong reason to believe that he was not made acquainted with the particulars.[1] Greenway both knew of the plot and favoured its execution; whilst Garnet, the Superior of the Jesuits in England, had been acquainted with it at least as early as in July by Greenway in confession. He always denied that he looked upon the project otherwise than with the utmost abhorrence; but circumstantial evidence leaves but little doubt that his feelings were not quite so strongly expressed as he afterwards represented them, and perhaps imagined them to have been.[2]

The three priests.

In September, Winter and Fawkes were busy bringing in fresh barrels of powder, to replace any which might have been spoiled by the damp.[3] Towards the end of the month, they heard that Parliament was again prorogued to November 5, upon which they both returned to the country for a few weeks.

Parliament prorogued to the 5th of November.

Whilst they were in London, circumstances occurred which eventually ruined the whole undertaking. As long as the only question had been the selection of men fit to take part in the plot, Catesby's discretion had been sufficient to guide him to the right persons; but for the execution of their further designs money was requisite as well as men, and money was now running short with the conspirators. To engage a wealthy man in the plot was as dangerous as it would have been to engage a very poor man. From the existing system of fines the poor suffered nothing, because they had nothing to lose; the rich suffered little because they could afford to pay. Nevertheless it was a risk which must be run. Without horses and arms and ready money no insurrection

Want of money.

[1] See p. 238.

[2] The question of Garnet's complicity will be discussed when his trial comes under review.

[3] Examination of Fawkes, Nov. 8, 1605, *G. P. B.*

had a chance of success, and for these requisites the pockets of the conspirators were unable to supply the necessary funds. In the course of September, Percy met Catesby at Bath, where the two friends discussed the difficult question together.[1] It was at last decided that Catesby should be intrusted with the selection of persons to whom he might confide the secret. His choice fell upon three men, two of them, Sir Everard Digby and Ambrose Rokewood, were very young; it was perhaps hoped that their youth would render them sufficiently enthusiastic to set aside prudential considerations. The third, Francis Tresham, was indeed older, but his wealth offered a powerful inducement to men with whom money was an object; and his participation in previous intrigues gave some guarantee that he would not be unwilling to engage in the present design.[2]

Ambrose Rokewood.

Ambrose Rokewood, of Coldham Hall, in Suffolk, had long been an intimate friend and an ardent admirer of Catesby. At first he expressed some reluctance to take part in the plot, because he feared that it would be impossible to save those Catholic Peers who would be present at the opening of the session. Catesby told him that a trick would be put upon them, so that he need have no fears on that score.[3] Rokewood then said that 'it was a matter of conscience to take away so much blood.' Catesby assured him that he had been resolved by good authority that the deed was lawful, even if some innocent men should lose their lives together with the guilty. Upon this Rokewood gave up his scruples. In order to be at hand when he was wanted in November, he took a house at Clopton, in Warwickshire.[4]

Early in October,[5] Catesby was residing with Digby in the

[1] T. Winter's Confession, Nov. 23, 1605, *G. P. B.*

[2] According to Jardine, p. 62–66, Digby was twenty-four, and Rokewood twenty-seven. Wood makes Tresham about thirty-eight. *Ath. Ox.* Bliss, i. 755.

[3] Examination of Rokewood, Dec. 2, 1605, *G. P. B.*

[4] Examination of R. Wilson, Nov. 7, 1606. He says the lease was asked for about ten days before Michaelmas.

[5] About Michaelmas (Examination of Sir E. Digby, Nov. 19, *S. P. Dom.* xvi. 94). About a week after Michaelmas (Examination of Sir E. Digby, Dec. 2, *G. P. B.*).

neighbourhood of Wellingborough. After raising some objections, Digby too yielded to the fascination, and threw himself headlong into the plot.[1] A suitable house was procured for his temporary residence at Coughton, in Warwickshire, a place lying on the borders of Worcestershire. What was still more to the purpose, he offered 1,500*l.* for the good of the cause.

Sir Everard Digby.

The last person to whom the secret was revealed was Tresham, who had, upon the death of his father in September, inherited the estate of Rushton, not far from Kettering. He was a cousin of Catesby and the Winters, and had taken part with them in Essex's rebellion, as well as in the negotiations with Spain shortly before the Queen's death.

Francis Tresham.

There were now thirteen persons who were intrusted with all the details of the scheme. But it was also necessary to take some measures in order that a large number of malcontents might be ready to join the insurrection on the first news from London. Accordingly, it was proposed that Digby should hold a great hunting match at Dunchurch on the day of the meeting of Parliament, to which a large company of the Catholic gentry of the Midland counties were to be invited. If Prince Charles escaped the fate prepared for his family, Percy was to snatch up the child, and to rush with him in his arms to Worcestershire. As soon as the news arrived that the explosion had succeeded, the gentlemen who had come to the hunt were to be urged to seize the Princess Elizabeth, who was at Combe Abbey, within an easy ride of eight miles. Either she or Prince Charles was to be proclaimed as the new Sovereign, the nation was to be won over by the announcement of popular measures, and the Protestant Church would be at the feet of the conspirators.

Preparations for the insurrection.

In the midst of all these sanguine anticipations one difficulty presented itself, how were the Catholic Lords to be prevented from attending the opening of Parliament? This difficulty had long been felt by Catesby and his companions, but it pre-

[1] See his letters in the Appendix to the Bishop of Lincoln's *Gunpowder Plot*, 1679.

sented itself with increased force as the moment for action approached. There were those among the conspirators who were connected by special ties with some of the Peers: Percy was in the service of his kinsman, the Earl of Northumberland; Lord Mordaunt had intrusted his children to the charge of Keyes's wife; Lord Stourton and Lord Monteagle had both married sisters of Tresham. It would be impossible for any Catholic to regard with complacency any act which would involve in ruin Lord Montague, who had dared to stand forth as the champion of his religion in the House of Lords, or the young Earl of Arundel, the son of that Earl who was honoured above all the Catholic martyrs of the reign of Elizabeth, and who had by James's favour been lately restored to his father's honours. Many were the appeals which had been made to Catesby, who was the guiding spirit of the plot. Sometimes he answered that the nobility were but 'atheists, fools, and cowards'; at other moments he assured his friends that means should be taken to warn them. He had a scheme for sending some one to inflict a slight wound on Lord Arundel, so as to incapacitate him from leaving his house. It is probable that many of the Catholic Peers received hints to absent themselves from the opening of the session. But such warnings could not safely be given to all. Catesby was warmly attached to the Earl of Rutland, 'but it seemed then he was contented to let him go.' Even Catholic peeresses who came merely to enjoy the spectacle must be sacrificed, though not without compunction. Mr. Catesby, according to Garnet's statement, 'could not find in his heart to go to see the Lady Derby or the Lady Strange at their houses, though he loved them above all others; because it pitied him to think that they must all die.'[1]

The Catholic Lords must be warned.

October.

Among the plotters was one who had never entered heart and soul into the matter. Tresham had, by his father's death, lately succeeded to a large family property, and the temper of a man who has just entered into the enjoyment of considerable wealth is by no means likely to fit him for a conspirator. Catesby's sagacity had here deserted him,

Tresham wavers.

[1] Garnet's Examination, March 10, 1606, *Hatfield MSS.* 110, fol. 35.

or had perhaps been overpowered by his eagerness to share in Tresham's ready money. If we are to believe Tresham himself,[1] he at once remonstrated with his cousin, and reminded him that even if they succeeded they would be exposed to the fury of the enraged nation. He pointed out to him that when the organization of the Government was destroyed, the country would fall into the hands of the Protestant clergy, who would form the only organized body remaining in existence. He appears to have given way at last, and to have promised to give 2,000*l.* to the cause.

Tresham determines to inform Lord Monteagle.

Tresham pleaded strongly for his brother-in-law, Lord Monteagle, and when he found that the other conspirators were unwilling to risk their lives by giving him warning, he probably formed the determination to take the matter into his own hands. He told them that it would be necessary for him to go down into Northamptonshire, in order to collect the money which they required, and he made an appointment with Winter to meet him as he passed through Barnet on his return, on October 28 or 29.

On the 25th, and perhaps on the 26th, he was still in London. On one of those days, Winter came to him at his lodgings in Clerkenwell, and obtained 100*l.* from him.[2] Shortly afterwards he was on his way to Rushton.

On the 26th, Lord Monteagle ordered a supper to be prepared at his house at Hoxton, although he had not been there for more than twelve months.[3] He was a man who had been

[1] Declaration of Tresham, Nov. 13, 1605, *S. P. Dom.* xvi. 63.

[2] This fact, which is distinctly stated by Winter (Exam. Nov. 25, 1605, *G. P. B.*), seems to have been overlooked by Mr. Jardine. It strengthens the evidence against Tresham, as it shows that he must have been in London within twenty-four hours of the delivery of the letter, if he was not there on the very day. It is suspicious that while Tresham gave rather a minute account of his proceedings, and mentioned a later occasion on which Winter came to him for money, he never spoke of this visit in his examinations, as if he had been unwilling to have it known that he was in London at the time.

[3] Greenway's MS. in Tierney's *Dodd.* iv. 50. The King's History of the Gunpowder Plot, *State Trials*, ii. 195. Account of the plot drawn up by Munck, and corrected by Salisbury, *G. P. B.*, Nov. 7, 1605.

closely connected with some of the principal conspirators. He was himself a Catholic. He had been engaged in Essex's rebellion, and he had shared in promoting Winter's journey to Spain.[1] It has been suspected that even at that time he furnished information to the Government. However this may have been, on the accession of James he gave his whole support to the new King. His advances were accepted, and he was admitted to high favour at Court.[2]

Oct. 26.

As he was sitting down to supper, one of his footmen came in, bringing with him a letter which he had been requested to give to his master by a man whose features he had been unable to distinguish in the dark winter night. Lord Monteagle took the letter, and as soon as he had glanced over it, handed it to Ward, one of the gentlemen in his service, requesting him to read it. The letter was anonymous, and ran as follows :—

A letter brought to Lord Monteagle.

"My lord, out of the love I bear to some of your friends, I have a care of your preservation. Therefore I would advise you, as you tender your life, to devise some excuse to shift of your attendance at this Parliament; for God and man hath concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire yourself into your country, where you may expect the event in safety, for though there be no appearance of any stir, yet I say they shall receive a terrible blow this Parliament, and yet they shall not see who hurts them. This counsel is not to be contemned, because it may do you good, and can do you no harm, for the danger is

[1] Examination of Tresham, Nov. 29, 1605, *G. P. B.* Note by T. Winter, Nov. 25, 1605, *G. P. B.* In the calendar, this note is said to refer to a message 'relative to the plot,' and it is appended to an examination of Winter of the same date, relating to the Gunpowder Plot. This must be a mistake, though both papers are endorsed in the same handwriting, '25 9^{br} 1605. The Examination of Winter.' The two papers themselves are not in the same handwriting, and the note evidently relates to the Spanish plot of 1602. It must refer, not to anything in the examination which is extant, but to a message in another which has been lost, and which was mentioned by Tresham in his examination of Nov. 29.

[2] *Jardine*, p. 80.

past as soon as you have burnt the letter : and I hope God will give you the grace to make good use of it, to whose holy protection I commend you."[1]

He takes it to Whitehall.

Monteagle at once set out for Whitehall, to communicate the letter to the Government. On his arrival he found Salisbury, just ready to sit down to supper in company with Nottingham, Suffolk, Worcester, and Northampton. Monteagle immediately drew him aside into another room, and put the letter into his hands. Although vague rumours had already reached Salisbury's ears that some danger was in agitation amongst the Catholics, he was at first inclined to think lightly of the matter ;[2] but being well aware of their discontented state, he determined to make further inquiries. Accordingly, he called Suffolk from the next room and put the letter before him. As they re-perused the paper, it occurred to them that it might probably refer to some attempt at mischief by means of gunpowder. Upon this Suffolk, to whom, as Lord Chamberlain, all the buildings in and around the Parliament House were well known, remembered that the cellar under the house would be a suitable place for the execution of a design of this kind. As soon as Monteagle had left them, they imparted the discovery to the other three lords, who agreed that it would be proper to search the cellar before the beginning of the session, but advised that the search should be delayed as long as possible, in order that the conspirators might not be scared before their plot was fully ripe.

Oct. 31. The King returns from Royston,

On the 31st, the King, who had been absent at Royston, returned to London, but it was not till Sunday, November 3, that the letter was shown to him. He at once, if we are to believe the narrative drawn up under Salisbury's inspection, came to the same conclusion as that which had been come to by his ministers.[3] By

[1] The original is in the *G. P. B.* There is a copy with all the peculiarities of spelling in *Jardine*, p. 82.

[2] Salisbury to Cornwallis, Nov. 9, 1605, *Winw.* ii. 171, compared with Munck's account, which agrees with it in all important particulars.

[3] James, as is well known, took a pleasure in allowing it to be believed

his direction, Suffolk, in execution of his office as Lord Chamberlain, proceeded about three o'clock on the afternoon of the following day to go round the Parliament House and the adjoining buildings. In this search he was accompanied by Monteagle, who had joined him at his own request. Suffolk, like the rest of the Councillors, had no very strong belief in the reality of the plot, and was under great apprehensions lest he should become an object of general ridicule, if the gunpowder for which he was looking proved to be without any real existence. He therefore gave out that he was come to look for some stuff of the King's which was in Whynniard's keeping, and, finding that Whynniard had let his cellar to a stranger, he contented himself with looking into it without entering. Seeing the piles of coals and faggots, he asked to whom they belonged. Fawkes, who had opened the door to him, said that they belonged to Mr. Thomas Percy, one of His Majesty's Gentlemen Pensioners. Upon hearing Percy's name, Suffolk suspected that there was more truth in the story than he had previously supposed. Monteagle, probably wishing to shield Tresham, and hoping to put the Government on a wrong scent, suggested that Percy might have sent the letter. Upon receiving Suffolk's report of what he had seen, the King ordered that further search should be made, still under the pretence of looking for the stuff which was missing.

Nov. 3. and orders search to be made.

Nov. 4.

There was no time to be lost, as the session was to commence on the following morning. About eleven at night, Sir Thomas Knyvett went down to the cellar. At the door he was met by Fawkes. He stopped him, and carefully removing the coals and wood, he came to the barrels of gunpowder. Fawkes saw at once that the game was up. He made no attempt to excuse himself, but confessed

Discovery of the gunpowder by Knyvett.

that he had made the discovery himself. It was not a very difficult one to make, and the courtiers probably were discreet enough to hold their tongues as to the fact that they had anticipated his conclusions. On the other hand, it was certainly absurd to found the inference on the words 'the danger is past as soon as you have burnt the letter.'

that he had intended to blow up the King and the two Houses on the following morning. Upon this he was bound hand and foot, and taken to Salisbury's lodgings. Such of the Council as could be reached at that late hour were summoned to the King's bedchamber. James's first thought on hearing of the discovery was to offer thanks to God for his deliverance. He then directed that the Lord Mayor should be ordered to set a watch for the prevention of any outbreak, and that the prisoner should be carefully guarded, in order to hinder any attempt at self-destruction.

A question has often been raised, whether the letter received by Monteagle was, in reality, the first intimation given to him.

Tresham the writer of the letter.

That the writer of the letter was Tresham there can be no reasonable doubt.[1] The character of Tresham, the suspicions of his confederates, his own account of his proceedings, all point to him as the betrayer of the secret. If any doubt still remained, there is the additional evidence in the confidence which was after his death expressed by his friends, that if he had survived the disease of which he died, he would have been safe from all fear of the consequences of the crime with which he was charged.[2] This confidence they could only have derived from himself, and it could only have been founded upon one ground.

To say the least of it, it is highly probable that Monteagle expected the letter on the evening of the 26th. He came out unexpectedly to sup at Hoxton, where he had not been for upwards of a twelvemonth. If there had been no communication between him and the writer of the letter, how could the bearer of it know that he would find one of Monteagle's footmen at so unlikely a spot?

Probable arrangement between him and Monteagle.

[1] The whole argument is clearly given in *Jardine*, pp. 83–90. The evidence seems to warrant a stronger conclusion than that to which Mr. Jardine arrived. It is plain, however, that no doubt remained in his own mind.

[2] Waad to Salisbury, Dec. 23, 1605, *S. P. Dom.* xvii. 56. "His friends were marvellous confident if he had escaped this sickness, and have delivered out words in this place, that they feared not the course of justice."

Why, too, should Monteagle, instead of reading the letter himself, have given it to Ward to read aloud? Besides, if Tresham had calculated upon the letter alone to deter his brother-in-law from going down to the House, he would surely have written it in plainer terms.[1]

The probability is that Tresham, finding that he could not persuade Catesby to give a sufficiently distinct warning to Monteagle, sought an interview with him himself. If the object which they both had before them was to frustrate the whole scheme in such a manner as to allow the conspirators themselves to escape, it is impossible to imagine a more satisfactory contrivance. The information given was just enough to set the Government upon preventive measures, but not enough to enable them to seize the culprits. By giving the letter to Ward, Monteagle conveyed the intelligence to a man who was likely to warn the conspirators of the discovery of their schemes; Ward being Winter's friend, would be certain to inform him of what had happened.[2] There could be little doubt that, upon receipt of this intelligence, they would take to flight.

[1] The greater part of this argument is abridged from Mr. Jardine's, to which there is scarcely anything to be added, pp. 90–93.

[2] The excited feelings under which the letter was written, and the desire to keep the middle ground between telling too little and telling too much, may account for the obscurity of its style. Besides holding that Monteagle was acquainted with Tresham's intention of writing the letter, Mr. Jardine adopts Greenway's opinion that the Government, or at least Salisbury, was acquainted with the manœuvre. "Many considerations," he says, "tend to confirm the opinion expressed by Greenway in his narrative, that the particulars of the plot had been fully revealed to Lord Salisbury by Monteagle, who was supposed by Greenway and the conspirators to have received a direct communication from Tresham, and that the letter was a mere contrivance of the Government to conceal the means by which their information had really been obtained" (*Archæol.* xxix. 101).

In this theory I am unable to concur. The arguments by which it is supported seem to me to be weak, and there are difficulties in the way of its reception which appear to be insuperable.

Mr. Jardine's first argument is that Monteagle 'received 500*l.* per annum for his life and 200*l.* in fee farm rents,' which he considers to be extravagant over-payment, 'upon the supposition that the only service he

Part of this scheme was successful. Either by arrangement, or in consequence of his own friendship for Winter, Ward only waited till the next day to slip round to his lodgings and to tell him all that he knew. On the following morning Winter went out to White Webbs, a house in Enfield Chase, where Catesby was to be found, and entreated him to give up the enterprise, and to leave the country. Catesby received the news with astonishing

Oct. 27. Oct. 28. Ward informs Winter of what had passed.

rendered was delivering to the Council an obscure anonymous letter, which he did not understand.' (*Ibid.* p. 100.)

Surely, if the letter really was the means of discovering the plot, we can understand that the Government would not have scanned very closely the nature of the means by which they had been saved. Besides, there were additional reasons for valuing Monteagle's services highly. It soon became probable that several other Catholics had received similar warnings, more or less obscure, and of all these not one, except Monteagle, had mentioned the matter to the Council.

Another argument used by Mr. Jardine, though he acknowledges that it is not entitled to much weight, is, that Monteagle was one of the Commissioners for proroguing Parliament on October 3, though he had not previously been employed on similar occasions. He thinks it probable that James and his Council wished to secure the Commissioners from being blown up on that occasion, by exposing a relative of some of the conspirators to danger.

In the first place the conspirators wanted to blow up the King and the Parliament, and were not likely to stoop to such small game as half a dozen Privy Councillors; in the second place it is admitted that whatever Monteagle knew, he learned from Tresham. But Tresham himself knew nothing of the plot till eleven days after the prorogation.

The only really important argument is drawn from the conduct of the Government towards Tresham. On November 7 questions were put to Fawkes in which the names of certain persons were proposed to him, and he was asked whether they shared in the plot. Among these Tresham's name occurs. 'Yet, though a proclamation was issued on that very day against the others, Tresham's name is not mentioned in it' (Jardine, *Narrative*, p. 120). On the 9th, Fawkes expressly mentioned him as an accomplice; yet, although he could have been arrested at any moment, he was not brought before the Council for examination till the 12th.

This certainly would give some weight to Mr. Jardine's theory, that the Government wanted to spare him, if there were not very strong reasons which make us seek for an explanation in another direction. In the first place, Suffolk's behaviour on the 4th looks like that of a man who knew

coolness. He decided to wait till the 30th, when Fawkes, who was in the country, was expected to join them. They would then send him to examine the cellar, and they would be guided

nothing more of the plot than what was on the face of the letter. But if it is said that Salisbury alone was behind the scenes, it remains to be shown what conceivable motives he can have had for the part which he is supposed to have acted. Can it be supposed that Tresham brought him information which was so scanty that he was unable to seize the conspirators before their flight from London? This information, too, must have been of such a character that, although Salisbury was able to issue a proclamation for the apprehension of Percy on the 5th, he was unable to name any of the other conspirators till the 7th. If Tresham had really come with such a lame story as it is necessary to suppose—if he really saw Salisbury before the 26th of October—he would immediately have been sent to the Tower, and probably tortured till he consented to reveal the names of his accomplices. It is plain that, with the exception of the names of Percy and Fawkes, not a single name was known to the Government till the 7th. And yet, it is for this that Tresham was to be so highly favoured. It is obvious that whoever invented the scheme of the letter did so with a view to the escape of the conspirators. Salisbury was accused by his contemporaries of inventing the whole plot, with a view to gain favour by his supposed cleverness in detecting it. Absurd as this charge was, it is hardly more absurd than a theory which makes him to be the inventor of a scheme which was admirably adapted to enable the conspirators to escape, and by which he did not even succeed in discovering their names.

On the other hand, the suspicious circumstances are capable of an explanation. The information of the names must have reached the Government on the 7th, or late on the 6th. Perhaps Monteagle gave them up when the whole plot had broken down. Perhaps they were learned from some other source.

At first, the Government would be unwilling to arrest Tresham, as being Monteagle's brother-in-law. He had not taken flight, and they knew that they could have him when they wanted him. When the news came that so many of the plotters had been killed, Tresham's evidence became important, and he was accordingly sent for on the 12th. When he was dead, the Government may have thought it better to allow him to be attainted with the others. They must have suspected that Monteagle knew more of the plot than he had avowed, and they may have thought that to except his brother-in-law from the attainder would expose him to suspicion.

There is in *Add. MSS.* 19,402, fol. 143, a curious letter of Monteagle's, written to assure the King of his desire to become a Protestant. It is undated, but it would hardly have been without reference to the plot, if it had been written subsequently to 1605.

by his report. Meanwhile, their suspicions naturally turned upon Tresham as the traitor. They expected him to pass through Barnet at two in the afternoon of the 29th, and it had been arranged that Winter should meet him there. Tresham, however, shrank from seeing any of his fellow-conspirators, and caught eagerly at any plan which would save him from their presence even for four-and-twenty hours. He accordingly sent to Winter to inform him that he had postponed his journey, and that he should not pass through Barnet till the 30th. He said nothing of the hour at which he was to pass, and pushing on got through at eight in the morning, long before he was expected. He had not secured immunity for any long time; the next day the unhappy man was doomed to see the detested face of Winter at his lodgings in London. He had come to request his presence at Barnet on the following day. Tresham did not dare to refuse. At the appointed time he went to Barnet, where he found Catesby and Winter waiting for him. They at once charged him with having written the letter. They intended, as it was said, to poniard him at once if he gave room for the slightest suspicion.[1] He showed, however, so bold a face, and swore so positively that he knew nothing of the matter,

Oct. 30.

Oct. 31.

Nov. 1.

[1] Declaration of Tresham, Nov. 13, *S. P. Dom.* xvi. 33. Confession of T. Winter, Nov. 23, *G. P. B.* Jardine, *Narrative*, p. 96, from Greenway's MS.

A Calendar of the proceedings of these days may be useful :—

Sat.	Oct. 26	Monteagle receives the letter.
Sun.	,, 27	Ward informs Winter.
Mon.	,, 28	Winter informs Catesby.
Tu.	,, 29	
Wed.	,, 30	Tresham returns. Fawkes examines the cellar.
Th.	,, 31	Winter summons Tresham.
Fri.	Nov. 1	Meeting of Tresham with Catesby and Winter.
Sat.	,, 2	Winter meets Tresham at Lincoln's Inn.
Sun.	,, 3	Meeting behind St. Clement's.
Mon.	,, 4	Percy goes to Sion. Fawkes taken.
Tu.	,, 5	Flight of the conspirators.
Wed.	,, 6	Arrival at Huddington at 2 p.m.
Th.	,, 7	Arrival at Holbeche at 10 p.m.
Fri.	,, 8	Capture at Holbeche.

that they let him go. He again pressed them to let the matter drop, at least for the present, and to take refuge in Flanders.

The conspirators refuse to give up their plan.

He found that his entreaties were all in vain. In fact, Fawkes had been sent up to London to examine the cellar, and upon his report that he had found everything in the state in which he had left it, they came to the conclusion that the Government had attached no weight to Monteagle's representations, and that the conspirators would incur no real danger by persisting in their original plan.

On the next day, Winter was again despatched to Tresham for money, and was quieted with 100*l*. Tresham again pressed

Nov. 2.

him to fly, and assured him that Salisbury was acquainted with all their secrets, and that he had laid everything before the King. Upon hearing this, Winter carried the news to Catesby, who was at last shaken by this new intelligence, and made up his mind to fly. Before taking this last step, however, he would confer with Percy, who was expected to arrive shortly from the North, where he had been engaged in collecting the Earl of Northumberland's rents.

Accordingly, on the evening of November 3, a meeting was held at the same house behind St. Clement's in which the

Nov. 3. Meeting behind St. Clement's.

original conspirators had taken their oath of secrecy eighteen months before. Those five men now met again in the same place. Christopher Wright was the only other person present. Upon hearing all that had passed, Percy insisted upon their continuing steadfast. The conspirators could not tear away from their breasts a hope which had, by long cherishing, become a part of themselves, and they allowed themselves to be persuaded by his earnest entreaties. Fawkes, with a rare self-devotion, which, even in such a cause as this, commands our admiration, went down to the cellar and occupied his post as usual. Rokewood and Keyes were also in London, but it does not appear whether they were told that the plot had been discovered.

Nov. 4. Fawkes remains at his post.

On Monday afternoon Fawkes was still at his post. After Suffolk and Monteagle had left him, he may possibly have thought that the danger was over. About ten o'clock he received a visit from Keyes, who brought

a watch which Percy had bought for him, in order that he might know how the hours were passing during that anxious night.[1] Within an hour after the time when Keyes left him, he was a hopeless prisoner, and all his schemes were blown for ever to the winds.

Nov. 5. Flight of the plotters.

Early on Tuesday morning the chief conspirators were flying at full gallop along the road to Lady Catesby's house at Ashby St. Legers. Utterly disheartened by the consciousness of failure, they yet instinctively followed out the plan which they had determined upon whilst success seemed still within their grasp. Catesby and John Wright were the first to get away. At five on the morning of the 5th, Christopher Wright burst into Winter's lodgings with the tidings that all was at an end. He then went out to reconnoitre, and returned with the assurance that the news was only too true. He again went out to find Percy, whose name was now known to the Government as that of the tenant of the cellar. These two galloped off together. Some hours later they were followed by Keyes and Rokewood, the latter of whom did not leave London before ten oclock.[2]

Thomas Winter was the last to fly He determined to see for himself how matters stood. He coolly made his way to the gates of the palace, which he found strictly guarded. He then attempted to reach the Parliament House, but was stopped by the guard in the middle of King Street. As he returned, he heard men in the crowd talking of the treason which had been discovered. Finding that all was known, he took horse and followed his companions in their flight. He seems to have been the only one of them who did not hurry himself; for though he could not have left London at a much later hour than Rokewood, he did not overtake the rest of the party till Wednesday evening, when he found them at Huddington.

Nov. 6.

About three miles beyond Highgate, Keyes was overtaken by Rokewood. Further on he contrived to slip away from

[1] Declaration of Fawkes, Nov. 16, 1605, *G. P. B.*

[2] Rokewood's Examination, Dec. 2, 1605, *G. P. B.* Examination of R. Rooks and Elizabeth More, Nov. 5, 1605, *S. P. Dom.* xvi. 11, 13.

him, and to conceal himself till he was captured, a few days later. The speed at which Rokewood was riding enabled him to come up with Percy and Christopher Wright, about forty miles down the road. A little beyond Brickhill they overtook John Wright and Catesby. In hot haste all five pressed on, as men press on who are flying for their lives. So excited were they, that Percy and John Wright tore off their cloaks and threw them into the hedge, in order that they might ride the faster.

Nov. 5.

Whilst these men were thus riding their desperate race, Digby was calmly carrying out his instructions, in complete ignorance of the failure of his associates. He came to the hunting at Dunchurch, accompanied by his uncle, Sir Robert Digby, of Coleshill. Grant brought with him three of his own brothers, a neighbour named Morgan, and a third brother of the Winters. Late in the evening Robert Winter rode in, followed by Robert Acton, a neighbour, whom he had persuaded to join him, and by Stephen and Humphrey Littleton, of Holbeche, in Staffordshire. These two had been induced to come in the hope that one of them might obtain a commission in the force which Catesby had been ostensibly levying for the Archduke. All the gentlemen who arrived were accompanied by their servants. The number of persons present was about eighty.[1] Winter left the Littletons at Dunchurch, and rode on to Ashby with some others of his companions. He expected that he would thus be the first to hear the good news from Catesby, who was sure to bring the tidings to his mother's house.[2]

The hunting at Dunchurch.

About six in the evening Catesby arrived at Ashby. He called for Winter to come out to him, and there he poured out

[1] Examination of J. Fowes. Enclosed in a letter of the Sheriff and Justices of Warwickshire to those of Worcestershire, Nov. 6, *G. P. B.*

[2] Examination of Francis Grant. Enclosed in a letter of the Sheriff of Warwickshire to Salisbury, Nov. 7, *G. P. B.* Examination of R. Higgins, enclosed in a letter of the Justices of Warwickshire to Salisbury, Nov. 12, *G. P. B.* Examination of R. Jackson, enclosed in a letter of the Sheriff of Northamptonshire to Salisbury, Nov. 8, *S. P. Dom.* xvi. 28. R. Winter to the Lords Commissioners, Jan. 21, 1606, *G. P. B.*

to him the whole wretched story of failure and despair. Winter saw at once that all hope was at an end, and advised instant surrender. Catesby, who had waded far deeper into treason than his adviser, refused to hear of it, and decided upon riding off to Dunchurch, for the purpose of consulting with his friends. Bates, who lived at a little distance from the house, was sent to Rugby to act as guide to some of Catesby's party, who had been left there.

Catesby's arrival at Ashby St. Legers.

On his arrival at Dunchurch, Catesby called Digby aside, and told him 'that now was the time to stir for the Catholic cause.' He had, indeed, failed to blow up the Parliament House, but both the King and Salisbury were dead, so that if they were only steadfast in asserting their claims, he 'doubted not but they might procure themselves good conditions.' He assured him that the Littletons would be able to assist them with a thousand men, and that Robert Winter's father-in-law, John Talbot of Grafton, would undoubtedly join them with a large force as soon as he heard that they were in arms.[1]

These falsehoods imposed upon the weak mind of Digby. With most of the others they failed entirely. Sir Robert Digby rode off indignantly, and tendered his services to the Government. Humphrey Littleton refused to follow them, and several more, especially of the servants, took every opportunity which offered itself of slipping away unobserved. The remainder determined to make the best of their way to Huddington, in hopes of raising the Catholics of the neighbourhood. They would then pass on into Wales, where they expected to be joined by large numbers of insurgents.[2]

As they rode along they remembered that at Warwick there was a stable, in which they would be able to find fresh horses, which they might carry off in exchange for the tired ones on which some of the company were mounted. Robert Winter, who, as he had never joined in the actual operations, had not sufficiently realised his position as a conspirator, remonstrated against this breach of the law. "Some of us," was Catesby's answer, "may not look back." "But,"

Seizure of horses at Warwick.

[1] Examination of Sir E. Digby, Nov. 19, 1605, *S. P. Dom.* xvi. 94.

[2] Examination of Garnet, March 12, 1606, *S. P. Dom.* xix. 40.

said Winter, "others, I hope, may, and therefore, I pray you, let this alone." "What! hast thou any hope, Robin?" was the reply; "I assure thee there is none that knoweth of this action but shall perish." Rokewood, too, felt indisposed to join in horse-stealing, especially as he was himself well-mounted, and rode on before them towards Grant's house at Norbrook. At three in the morning the rest of the party rejoined him there upon their fresh horses, but they only remained long enough to take away about fifty muskets and a fresh supply of powder and ball. They then rode on, tired as they were, to Huddington, where they arrived, weary and desponding, at two o'clock in the afternoon of the 6th;[1] having despatched Bates, as they left Norbrook, to Coughton, with a letter for Father Garnet, in which their condition was described, and his advice was asked.

Nov. 6.

Bates found Garnet at Coughton, and gave him the letter. While he was reading it, Father Greenway came in, and, upon hearing the news, offered to accompany Bates to Huddington. Upon their arrival, Catesby, catching sight of the priest's face, exclaimed, that 'here at least was a gentleman who would live and die with them.'[2] After a conference with Catesby and Percy, Greenway rode away to Hindlip, a house about four miles from Huddington, belonging to a Catholic gentleman of the name of Abington, who had often offered a refuge to priests flying from persecution. It was in vain that he tried to gain him to the cause.[3] Abington would willingly have sheltered him if he had been seeking a refuge for himself, but he immediately refused to take any part in treason.

Unsuccessful attempt to gain Abington

The main hope of the conspirators was now to obtain the assistance of John Talbot, whose daughter was married to Robert Winter. He was one of the wealthiest of the Catholic laity,[4] and was a man of considerable

and Talbot of Grafton.

[1] Examination of Gertrude Winter, Nov. 7, *G. P. B.*

[2] Examination of Bates, Jan. 13, 1606, *G. P. B.* Declaration of H. Morgan, Jan. 10, *G. P. B.*

[3] Examination of Oldcorne, March 6, *G. P. B.*

[4] He was one of those who paid the 20*l.* fine, as was Throckmorton, the owner of Coughton.

influence, as the representative of the younger branch of the family of the Earl of Shrewsbury.[1] Soon after their arrival at Huddington, Catesby and John Wright pressed Winter to write to his father-in-law. Winter, who knew him well, positively refused, telling them 'that they did not know him, for the world would not draw him from his allegiance.'[2] Even if his loyalty had not been steadfast, so wealthy a man was the last person likely to take part in a hopeless insurrection.

In the evening the fugitives were joined by Thomas Winter. On the following morning the whole company, now reduced by desertion to about thirty-six persons, were present at mass.[3] After its conclusion, they all confessed to the priest, who was a Father Hammond. He was aware of their late proceedings, but does not seem to have considered that there was anything in them which needed absolution. At least Bates naïvely stated that when he confessed on this occasion it was only for his sins, and not for any other particular cause.

Nov. 7. Flight to Holbeche.

After they had thus cleared their consciences, they rode off to Stephen Littleton's house, at Holbeche, in Staffordshire, taking with them ten of Winter's servants. As they passed by Hewell Grange, the house of Lord Windsor,[4] they broke into it by force, and took all the armour which they could find, supplying those of the company who needed it, and putting that for which they had no immediate use into a cart, which followed them.

The fugitives break into Hewell Grange.

It was all to no purpose. Not a soul was willing to share their fate. Whilst they were at Lord Windsor's a number of countrymen came to them and asked them what they meant to do. Catesby, in return, asked them to go with him. This was no answer, and they again asked what he intended to do. He

[1] His son succeeded to the earldom on the extinction of the elder branch in 1617.

[2] R. Winter to the Lords Commissioners, Jan. 21, 1606, *G. P. B.*

[3] Examination of J. Flower and Stephen Kirk, enclosed by Sir E. Leigh to the Council, Nov. 9, *G. P. B.* Examination of Bates, Dec. 4, *C. P. B.*

[4] Examination of W. Ellis, Nov. 21, *G. P. B.*

saw that nothing could be done with them, and contented himself with saying that he was for 'God and the country.' 'And we,' said his questioner, 'are for God and the King, and the country,' and turned his back upon him.

About ten o'clock at night they arrived at Holbeche, which was situated just over the borders of Staffordshire, about two miles from Stourbridge. Many of their followers had, in spite of all their precautions, dropped away from their ranks. The Sheriff of Worcestershire was following them, with all the forces of the county; and the Sheriff of Staffordshire might soon be expected to bar their further progress. Flight had now become impossible, and hope of gathering fresh strength there was none. Early on the following morning they were deserted by Sir Everard Digby. Desperate as their case was, they determined to make one more effort to get help from Talbot. Accordingly, Thomas Winter and Stephen Littleton were despatched to Grafton.[1] They found the old man at home, who at once drove them out of his presence. On their return, they were met by one of Winter's servants, who told them that a terrible accident had occurred, and that some of their number had been killed.[2] Upon this Littleton lost heart and rode away, inviting Winter to accompany him. Winter, like a brave man as he was, answered that he would first find Catesby's body and bury it before he thought of himself. On entering the house, he found that his friends were more frightened than hurt. The gunpowder which they had brought with them had been wetted in crossing the Stour, and they were engaged in drying some of it when a hot coal fell into it. Catesby and Rokewood were slightly injured by the explosion. Grant suffered more severely, his face and hands being much burnt. Their terror was extreme; they fancied they saw in the accident the finger of God's Providence, bringing vengeance upon them by the same means as that by

They arrive at Holbeche.

Nov. 8.

The accident at Holbeche.

[1] Examination of J. Talbot, Dec. 4, *G. P. B.* Examination of T. Winter, Dec. 5, *G. P. B.*

[2] Confession of T. Winter, Nov. 23, *G. P. B.* Examination of Bates, Dec. 4, *G. P. B.* Greenway's MS. in Tierney's *Dodd.* iv. 53.

which they had planned to take away the lives of so many of their fellow-creatures. John Wright, who was himself unhurt, stepped up to Catesby and cried out, "Woe worth the time that we have seen this day!" and called for the rest of the powder, that they might blow themselves all up. Robert Winter left the house and fled; he was immediately followed by Bates.

As soon as Thomas Winter entered the house, he asked what they meant to do. They all answered with one voice, that they meant to die there. Winter assured them that he would share their fate. The remainder of the time which was left to them they spent in prayer before a picture of the Virgin, acknowledging now, at last, that they had been guilty of a great sin.

About eleven the Sheriff arrived. His men began firing into the house. Winter, who went out into the court to meet them, was wounded by a shot in the shoulder. John Wright was the first who was shot dead, and immediately afterwards, his brother fell by his side. Rokewood dropped, wounded in four or five places. Upon this, Catesby begged Winter to stand by him, that they might die together. "Sir," was the answer, "I have lost the use of my right arm, and I fear that will cause me to be taken." As they stood near each other, Catesby and Percy fell, the same bullet passing through the bodies of both. Catesby was able to crawl on his knees to the picture of the Virgin, which he took in his arms, and died kissing and embracing it. Percy lived for two or three days longer. The assailants rushed in, and found the two wounded men, Winter and Rokewood. They carried them off as prisoners, with Grant and Morgan and the few servants who had remained faithful to their masters.[1] The other conspirators were picked up here and there in their various hiding-places, most of them in the course of the next few days.

Nov. 8. Arrival of the Sheriff. Death of the two Wrights, and of Catesby and Percy. The rest are taken.

It is impossible not to feel some satisfaction that so many of the original conspirators escaped the scaffold. Atrocious as the whole undertaking was, great as must have been the moral

[1] T. Lawley to Salisbury, Nov. 14, *Add. MSS.* 5495.

obliquity of their minds before they could have conceived such a project, there was at least nothing mean or selfish about them. They had boldly risked their lives for what they honestly believed to be the cause of God and of their country. Theirs was a crime which it would never have entered into the heart of any man to commit who was not raised above the low aims of the ordinary criminal. Yet, for all that, it was a crime born of ignorance. Catesby and his associates saw the hard treatment to which the Catholics were subjected. They saw in James and his Protestant Parliament the oppressors of their Church. They did not see the causes which made this oppression possible, causes which no destruction of human life could reach, and which were only too certain to be intensified by the wanton destruction which they had resolved to spread around.

Character of the conspiracy.

If the criminality of their design was hidden from the eyes of the plotters, it was not from any ambitious thoughts of the consequences of success to themselves. When Watson and his associates formed their plans, visions floated before their eyes in which they saw themselves installed in the highest offices of the State. In the expressions of these conspirators not a single word can be traced from which it can be inferred that they cherished any such thoughts. As far as we can judge, they would have been ready, as soon as the wrongs of which they complained had been redressed, to sink back again into obscurity. One thing was wanting, that they should see their atrocrious design in the light in which we see it. Even this was vouchsafed to some of them. In their time of trouble wisdom came to them. When they saw themselves alone in the world, when even their Catholic brethren spurned them from their houses, their thoughts turned to reconsider their actions, and to doubt whether they had been really, as they had imagined, fighting in the cause of God. In such a frame of mind, the accident with the gunpowder at Holbeche turned the scale, and placed before them their acts as they really were. With such thoughts on their minds, they passed away from the world which they had wronged to the presence of Him who had seen their guilt and their repentance alike.

CHAPTER VII.

THE OATH OF ALLEGIANCE.

On the morning of November 5, the news of the great deliverance ran like wildfire along the streets of London. The suspicions of the people were naturally directed against the Spaniards who happened to be in the City, and especially against the Spanish Ambassador. If measures had not been promptly taken, it might have gone ill with the object of the popular dislike.[1] In the evening all the bells were ringing, and the sky was reddened with the bonfires which were blazing in every street.[2]

Nov. 5.

On the following morning Fawkes was carried to the Tower, The King, hearing that he refused to implicate any of his accomplices, sent a string of questions to which he was required to answer, and ordered that, if he refused, he should be put to the torture,[3] though recourse was not to be had to the rack unless he continued obstinate. These questions were put to him on the same afternoon, but nothing was obtained from him beyond a fictitious account of his own origin and life. He still insisted that his name was Johnson.

Nov. 6. Examination of Fawkes.

At first the Government had only received sufficient infor-

[1] Waad to Salisbury, Nov. 5, *G. P. B.*

[2] Chamberlain to Carleton, Nov. 7, *S. P. Dom.* xvi. 23.

[3] Torture, though unknown to the common law, had, for upwards of a century, been frequently used to extract evidence. The infliction of it was considered to be part of the Royal prerogative, which enabled the King to override the common law. It could, therefore, be employed only by express command of the King, or of the Council acting in his name. (See Jardine *On the Use of Torture in the Criminal Law of England.*)

mation to enable them to issue a proclamation for the arrest of Percy. On the 7th they obtained, from some unknown source, intelligence which put them in possession of the names of the other conspirators. A proclamation was set forth, in which the names of all of them were mentioned, excepting Tresham, who was still in London, and on whom the Government could lay their hands whenever they pleased. On the same day Fawkes was again examined, probably after one of those gentler tortures which James had recommended. He gave some further particulars of the plot, and acknowledged that his name was Fawkes.[1]

Nov. 7.

On the 8th, the day of the final catastrophe at Holbeche, much additional information was obtained from him. The next day he was undoubtedly subjected to torture of no common severity. The signature which he affixed to his examination is written in a trembling broken hand, as by a man who had lost all command over his limbs. The motive for the employment of torture was the hope that it might be possible to trace the connection which was suspected to exist between the conspirators and the priests. Fawkes admitted that the design had been communicated to Owen, who, as he knew, was safe in Flanders, beyond the power of the English Government. He acknowledged that the conspirators had, after taking the oath of secrecy, received the sacrament from the hands of Gerard ; but he expressly added that Gerard knew nothing of their intentions. With respect to Garnet, he only stated that they had used his house in Enfield Chase as a rendezvous.[2]

Nov. 9.

Nov. 10. The Bishop of Rochester's sermon.

On Sunday a solemn thanksgiving was offered in all the churches. The news of the occurrences at Holbeche, which had been received that very morning, was given to the public by the Bishop of

Nov. 12.

[1] The King's words were, 'The gentler tortures are to be first used unto him, *et sic per gradus ad ima tenditur*, and so God speed your good work.' The King to the Lords Commissioners, Nov. 6, *G. P. B.* Sir E. Hoby wrote to Sir T. Edmondes, 'Since Johnson's being in the Tower, he beginneth to speak English, and yet he was never upon the rack, but only by the arms upright' (*Court and Times of James I.* i. 53). The letter is dated Nov. 19, but was evidently written piecemeal. This part was apparently written on the evening of the 7th, or the morning of the 8th.

[2] Examination of Fawkes, Nov. 9, *G. P. B.*

Rochester. On the 12th Thomas Winter arrived, and by degrees the particulars, which were still unknown, were wormed out of him and those of his fellow-conspirators who survived.

Tresham's imprisonment and death.

Among those who were thus examined was Tresham. He was not sent for till the 12th. It is possible that he was spared out of regard for Monteagle, until, by the death of so many witnesses, his testimony was rendered indispensable. If Salisbury still had any wish to treat him favourably, this wish was not shared by others at the Court. There were many who were already eager for the division of the spoil. Within a day or two of his committal, Sir Thomas Lake had obtained from the King a promise of one of his manors in the event of his conviction.[1]

The great object of the Government now was to obtain evidence against the priests. Of their connection with the great conspiracy it soon became evident that Tresham knew nothing. But he might be able to tell something of the share which they had taken in the mission to Spain in 1602. He was examined on this point, and after flatly denying that he knew anything of the matter at all, was finally brought to confess, not only his own share in the transaction, but that both Garnet and Greenway had been made aware of what was being done.[2]

During these days he was seized by the disease under which he gradually sank. He had no reason to complain of his treatment. During his illness his wife was allowed to remain with him, and his servant Vavasour was also permitted to have access to him at all times.[3]

Dec. 5.

On December 5, Coke, in searching Tresham's chamber at the Temple, came upon a manuscript bearing the title of 'A Treatise on Equivocation,'[4] in which the Jesuit doctrine concerning the lawfulness of giving false evidence under certain circumstances was advocated. Tresham,

[1] The King to Dorset, Nov. 18. *S. P. Dom.* xvi. 86.

[2] Examination of Tresham, Nov. 29, *G. P. B.*

[3] Would this have been allowed if he had been, as Mr. Jardine supposes, the depositary of an important State secret?

[4] This copy, made by Vavasour, is in the Bodleian Library, and has been published by Mr. Jardine.

who had already given proof how apt a scholar he had become in that evil school in which he had been brought up, was soon to give another proof of how completely he had mastered the principles of this book. On the 9th he was questioned about the book, and made a statement professing an ignorance of all circumstances connected with it, which he could hardly have expected to be believed. As the days passed on, and he felt more and more that he was a dying man, he was haunted by remorse for his acknowledgment that Garnet had been acquainted with the mission to Spain. He determined to crown his life with a deliberate falsehood. One or two days before his death he dictated to Vavasour a declaration in which he not only affirmed that Garnet had taken no part in the negotiations, but, as if in mere recklessness of lying, he added that he had neither seen him nor heard from him for sixteen years.[1] He died on the 22nd, leaving it as his last charge to his wife to forward this declaration to Salisbury. She did so and the ridiculous untruth of the statement thus volunteered must have weighed much against any reasons for treating his memory with leniency. Henceforward his name appears on the same footing as that of the other conspirators. His body, according to the barbarous practice of those times, was beheaded, and his head was exposed to the public gaze at Northampton.[2]

Dec. 9.

Dec. 22.

On January 27 the surviving conspirators, Fawkes, the two Winters, Keyes, Bates, Rokewood, Grant, and Digby, were brought up for trial in Westminster Hall, in the presence of an immense concourse of spectators.[3] Digby alone pleaded Guilty. The others pleaded Not Guilty, not with any hope of obtaining an acquittal, but in order to have an opportunity of contradicting some statements of minor importance contained in the indictment. The main facts were too plain to be denied, and Coke had no difficulty in obtaining a verdict against the prisoners. Digby having stated that promises had been broken with the Catholics,

1606. Jan. 27. Trial of the plotters.

[1] Coke to Salisbury, March 24, 1606, *G. P. B.*

[2] Phelippes to Owen, Dec. 1605, *S. P. Dom.* xvii. 62.

[3] *State Trials*, ii. 193.

Northampton rose and denied that the King had ever made them any promise at all before he came to England—an assertion which was certainly untrue. Salisbury drew a distinction between promises of toleration, or permission to enjoy the free exercise of their religion, and promises of exemption from fines, a distinction which has often been lost sight of. When, however, he proceeded to say that, in answer to the deputation which had waited upon the Council in July 1603, nothing more had been promised than that the arrears then accruing should be remitted, he said what he must have known to be untrue. The promise had been that, as long as the Catholics remained loyal, no fines should be levied; and this promise had been broken.

On the 31st, Digby, Robert Winter, Grant, and Bates were executed in St. Paul's Churchyard. On the following day Fawkes, Thomas Winter, Rokewood, and Keyes suffered death at Westminster. As far as we know, these men, unlike those who perished at Holbeche, died in the firm persuasion that they were suffering as martyrs in the cause of God. As they passed along the streets, each of them, according to custom, dragged upon his separate hurdle, even these iron men must have longed for some sympathy as they looked up at the long line of hostile faces. Nor was this altogether withheld from them: as the miserable procession passed along the Strand, they came to the house in which Rokewood's wife was lodging. She had not shunned the spectacle, but had placed herself at an open window. Her husband, catching sight of her, begged her to pray for him. Without faltering, she answered: "I will! I will! and do you offer yourself with a good heart to God and your Creator. I yield you to Him with as full an assurance that you will be accepted of Him as when He gave you to me."[1]

Jan. 31. Feb. 1. Execution of eight of the conspirators.

The whole story of the plot, as far as it relates to the lay conspirators, rests upon indisputable evidence. But as soon as we approach the question of the complicity of the priests, we find ourselves upon more uncertain ground. Of those who were implicated by the evidence of the

Evidence against the priests.

[1] Greenway's MS. quoted by Mr. Jardine, *Narrative*, p. 154.

plotters, Owen the Jesuit and Baldwin were beyond the reach of the Government, under the protection of the Archduke. Of the three who had been in England, Gerard and Greenway had contrived to make their escape, and Garnet alone was brought to trial. Catesby, who knew better than any man what Garnet's connection with the plot really was, was dead. So that the whole case against Garnet rested upon circumstantial evidence.

It was not till December 4 that any one of the priests[1] was actually implicated in the plot by any of the conspirators.[2] Bates, on that day, acknowledged that he had revealed the whole plot to Greenway in confession. On January 13 he gave a further clue by narrating the history of his visit to Coughton after the discovery of the plot.[3] Upon this a proclamation was issued for the arrest of Gerard, Greenway, and Garnet. The first two succeeded in escaping. Garnet was less fortunate. He had remained at Coughton till December 4, but had then moved to Hindlip, in consequence of the invitation of a priest named Oldcorne, who had himself received shelter in Abington's house, and acted as his chaplain. The house was amply provided with means for secreting fugitives. There was scarcely a room which did not contain some secret mode of egress to a hiding-place constructed in the thickness of the walls. Even the chimneys led to rooms, the doors of which were covered with a lining of bricks, which, blackened as it was with smoke, was usually sufficient to prevent detection.[4]

Dec. 4, 1605.

Movements of Garnet.

On January 20 Sir Henry Bromley, a magistrate of the county, proceeded, in consequence of directions from Salisbury, to search the house.[5] Several of the hiding-places were discovered, but nothing was found

Jan. 20. The search at Hindlip.

[1] That Salisbury was not anxious to take any steps against the priests, unless upon clear evidence, appears from the fact that, though Lady Markham on Jan. 3 offered to act as a spy from Gerard, he took no notice of her offer till the 15th.—*S. P. Dom.* xviii. 4, 19.

[2] Examination of Bates, Dec. 4, 1605, *G. P. B.*

[3] Examination of Bates, Jan. 13, 1606, *G. P. B.* (see p. 260).

[4] There is a description and an engraving of the house in Nash's *Worcestershire*, i. 584. Compare Jardine, p. 182.

[5] *Harl. MSS.* 360, fol. 92. Bromley to Salisbury, Jan. 23, printed in Jardine, p. 185.

in them excepting what Bromley described as 'a number of Popish trash.' He was not satisfied with these results, and determined to keep watch, in hopes of making further discoveries. On the fourth day of his watch, he heard that two men had crept out from behind the wainscot in one of the rooms. They proved to be Garnet's servant, Owen, and Chambers, who acted in the same capacity to Oldcorne. They declared that they could hold out no longer, as they had had no more than a single apple to eat during the time of their concealment.

Two or three days after this, Bromley, who did not relax in his watchfulness, was encouraged by hearing that Humphrey Littleton had bought his life by confessing his knowledge that Oldcorne was at that moment in hiding at Hindlip.[1] On the 30th his patience was rewarded.[2] To the astonishment of the man who was set to keep watch, the two priests, who could bear the confinement no longer, suddenly stepped out from their hiding-place. The sentinel immediately ran away, expecting to be shot. The priests had been in no danger of starvation. There was a communication between their place of concealment and one of the rooms of the house by means of a quill, through which they had received constant supplies of broth. They had suffered principally from want of air. The closet in which they were had not been prepared for their reception, and it was half filled with books and furniture. Garnet afterwards stated his belief that, if these had been removed, he could have held out easily for three months. "As it was," he said, "we were well wearied, for we continually sat, save that sometimes we could half stretch ourselves, the place being not high enough; and we had our legs so straitened that we could not, sitting, find place for them, so that we both were in continual pain of our legs; and both our legs, especially mine, were much swollen. . . . When we came forth we appeared like two ghosts, yet I the stronger, though my weakness lasted longer."

Garnet and Oldcorne surrender.

The two priests were sent up to London. They were

[1] H. Littleton's relation, *Add. MSS.* 6178, fol. 693.

[2] Bromley to Salisbury, Jan. 30, *S. P. Dom.* xviii. 52. Garnet to Mrs. Vaux, printed in Jardine, App. i. He speaks of having been in the hole seven days and seven nights. If this is correct, he must have been removed to a safer place on the 23rd.

allowed to travel by easy stages ; and by Salisbury's express orders they were well treated during the whole journey. Owen and Chambers, as well as Abington and two of his servants, were sent with them.

Feb. 13. Garnet examined by the Council.

On February 13, Garnet was examined by the Council. As he was conducted to Whitehall, the streets were crowded with multitudes, who were eager to catch a sight of the head of the Jesuits in England. He heard one man say, 'that he was a provincial,' whilst another shouted out, "There goes a young Pope." It was found impossible to extract from him any confession of his complicity in the plot. During the following days, he was repeatedly examined with equal want of success. At one time he was threatened with torture. It was all alike. Nothing could be gained from him, either by fear or by persuasion. It was a mere threat, as the King had strictly forbidden the use of torture in his case.

Owen's torture and suicide.

Torture was, however, used upon Owen, who exasperated the Commissioners appointed to conduct the examinations by declaring that he did not know either Oldcorne [1] or his own master. An acknowledgment of his acquaintance with Garnet was extracted from him [2] by fastening his thumbs to a beam above his head. His fear lest the torture should be repeated worked upon his mind to such an extent, that on the following day he committed suicide.[3]

Admission obtained from Garnet by stratagem.

The Government having in vain tried all ordinary means of shaking Garnet's constancy, determined to resort to stratagem. He and Oldcorne were removed to two rooms adjoining one another, between which a communication existed by means of a door. Two persons were placed in a concealed position, from which they

[1] This was his real name. Like the other priests, he had many aliases, and at this time he was generally known as Hall.

[2] Examination of Owen, Feb. 26 and March 1, 1606, *G. P. B.*

[3] *Antilogia*, p. 114. The Catholics accused the Government of torturing him to death. "There is, perhaps, no great difference," observes Mr. Jardine, "between the guilt of homicide by actual torture, and that of urging to suicide by the insupportable threat of its renewal" (p. 200).

might be able to overhear all that passed.[1] By these means the Government was put in possession of information which enabled it to frame its questions so as to obtain more satisfactory answers.

March. Garnet's confession.

Garnet at first denied that he had ever conversed with Oldcorne through the door at all. At last, after he had been subjected to much questioning, he discovered both that he could not hope to escape, and that there was no one still in England who would be endangered by a full confession. Accordingly, on March 8, he told the whole story of his own connection with the plotters, and this story, as far at least as the facts of the case are concerned, may probably, when taken together with subsequent additions, be regarded as substantially true. He now admitted that he had been for some length of time in communication with the principal conspirators. He said that soon after James's accession Catesby told him that, 'there would be some stirring, seeing the King kept not promise;'[2] that, about Midsummer 1604, he came to him again, and 'insinuated that he had something in hand,' but told him no particulars; and that, soon afterwards, Greenway informed him that there was some scheme on foot, upon which he expressed his disapproval both to Catesby and to Greenway. About Easter, 1605, when Fawkes went to Flanders, he gave him a letter of introduction to Baldwin; and on June 8, in the same year,[3] Catesby asked him a question which was intended to draw out his opinion on the

[1] The reports of the overheard conversations are printed in Jardine, App. ii. He remarks on them (p. 203): "It is impossible to peruse the notes of these conferences without being struck with the remarkable fact that, although speaking the whole secrets of his heart unreservedly to his friend, Garnet does not utter a word in denial of his knowledge of the plot, and his acquiescence in it; nor a word from which it can be implied that in his conscience he knew that he was untruly accused in this respect. On the contrary, the whole scope and object of his conversation is the arrangement of the means by which he may baffle examination and elude detection—his only care being to 'contrive safe answers,' and—to use his own language—'to wind himself out of this matter.'"

[2] Declaration of Garnet, March 13, *S. P. Dom.* xix. 41.

[3] Examination of Garnet, March 12, *S. P. Dom.* xix. 40. He says

lawfulness of the action in which he was engaged, without letting him know what that action was. The question was, whether it was lawful to enter upon any undertaking for the good of the Catholic cause if it should be impossible to avoid the destruction of some innocent persons together with the guilty ; to which Garnet, understanding it to refer to military operations in Flanders against some fortified town in which innocent persons would share the fortunes of the garrison, answered in the affirmative. After Catesby was gone, Garnet began to doubt whether Catesby's question were as abstract as it appeared at first. He took an early opportunity of warning Catesby that to make the opinion which he had given about the innocents worth anything, it was absolutely necessary that the cause in which they were to be sacrificed should be in itself lawful. Catesby broke off the conversation, and turned away to join Monteagle and Tresham, who were in the room at the time. Garnet gathered from his manner that some plan of insurrection was in hand.[1]

Garnet took alarm. He was under orders from Rome to discountenance any commotion amongst the Catholics ; and those orders were repeated in the most stringent form shortly after this meeting, in a letter from Aquaviva, the General of the Society.

When Garnet next saw Catesby, he showed him the Pope's letter. "Whatever I mean to do," said Catesby, "if the Pope knew, he would not hinder for the general good of our country." Garnet replied that those who did not keep quiet would fly in the teeth of the direct prohibition of the Pope. "I am not bound," replied Catesby, "to take knowledge by you of the Pope's will." Would he not, pleaded Garnet, acquaint the

that this took place on the Saturday after the Octave of Corpus Christi. In 1605 the Octave fell on June 6, and the Saturday after was June 8. The 9th is the day mentioned in Garnet's indictment ; but the error of a single day is not material.

[1] So I interpret the words : "'Oh, saith he, let me alone for that ; for do you not see how I seek to enter into familiarity with this lord ?'—which made me imagine that something he intended amongst the nobility." Garnet's Declaration, March 8, *Hatfield MSS.* 110, fol. 30.

Pope with the project. No, said Catesby, 'he would not for all the world make his particular project known to him for fear of discovery.' Catesby, however, at last engaged to do nothing till the Pope had been informed in general terms of the state of matters in England, and it was then arranged that Sir Edward Baynham, who was starting for Flanders, should convey the information to the Nuncio at Brussels, if not to Rome itself. To Catesby's offer to acquaint him with the plot which he had in his mind, Garnet returned a distinct refusal, on the ground of the prohibition which had come from Rome.

That Garnet was fully aware that violence of some kind was contemplated it is impossible to doubt. It is equally clear that he had no objection on principle to such a movement. By his own account he argues against it on the ground of the orders of the Pope, but he expresses no opinion on the wickedness of righting wrongs with a strong hand, and he prefers to know nothing of particulars, though to know particulars would increase his facilities for arguing against the use of violence. On the other hand, he may have thought, from the message sent by Baynham, that the plot, whatever it was, was not to be executed for some time to come.

This last conversation with Catesby took place early in July. A few days later the Jesuit Greenway visited him and offered to acquaint him with Catesby's design. After some hesitation, Garnet consented to hear the story, provided that it was told him in confession. Upon this Greenway informed him of everything, walking about the room as he spoke, and afterwards kneeling down to place his statement under the formal safeguard of confession.[1]

According to Garnet's statement, he was thrown into the greatest perplexity by this revelation. "Every day," he says, "I did offer up all my devotions and masses, that God of His

[1] Garnet states that Greenway said: 'Being not master of other men's secrets, he would not tell it me but by way of confession, for to have my direction; but because it was too tedious to relate so long a discourse in confession kneeling, if I would take it as a confession walking, and after take his confession kneeling, then, or at any other time, he would tell me.'—Garnet's Declaration, March 8, *Hatfield MS.* 110, fol. 30.

mercy and infinite providence would dispose all for the best, and find the best means which were pleasing unto Him to prevent so great a mischief; and if it were His holy will and pleasure to ordain some sweeter means for the good of Catholics." He wrote, still in general terms to Rome, saying that he 'feared some particular desperate courses,' and he obtained merely such an answer as such vague information was likely to receive. Garnet's horror and perplexity were natural enough, but they were not of that overpowering nature which would have driven him to sacrifice ease and life itself to make the villany impossible. He still comforted himself with the reflection that nothing might be done till Baynham's return, and that Catesby would fulfil a promise which he had made of visiting him in the beginning of November, and would so give him the opportunity of remonstrating with him; but he did not put his own neck in danger by leaving his hiding-place to seek him out, in order to plead against the crime with all the authority of his calling. Nor does the language which he used to Greenway, when the first discovery was made, testify to any very strong initial horror. "Good Lord!" he said, "if this matter go forward, the Pope will send me to the galleys; for he will assuredly think I was privy to it."

Garnet no doubt had, as it were, an official conscience. He might to a great extent succeed in bringing himself into that frame of mind which his duty required him to be in. He may even have shrunk with horror from the cruelties involved in the execution of the plot. After all, however, he was a man whose dearest friends were exposed to bitter persecution, and who was himself liable at any moment to a cruel and ignominious death by the sentence of a law which he thoroughly believed to be the work of traitors to the divine government. In such a position he might easily grow callous to the misery involved in the destruction of the enemies of the Church, and even when he had awakened to some sense of the horrible nature of the crime, would hardly throw himself with much energy into the work of averting its execution.

Garnet's trial took place at Guildhall[1] on March 28. The

[1] *State Trials*, ii. 218. *Harl. MSS.* 360. fol. 109.

point which was selected as affording a proof of his complicity, was the conversation with Catesby on June 9. No evidence which would have satisfied a modern jury was produced; but it would be unfair to censure the Government for disregarding the principles of evidence while as yet those principles were unrecognised. In fact, the scene at Guildhall was a political rather than a judicial spectacle. Neither those who were the principal actors, nor the multitude who thronged every approach to the hall, regarded it as the sole or even as the chief question, whether the old man who stood hopeless but undaunted at the bar, and who, even by his own confession, had been acquainted with the recent conspiracy, had looked upon it with favour or with abhorrence. It was to them rather an opportunity which had at last been gained, of striking a blow against that impalpable system which seemed to meet them at every turn, and which was the more terrible to the imagination because it contained elements with which the sword and the axe were found to be incapable of dealing. Any man who should have hinted that it was inexpedient that men should be put to death unless their guilt could be proved by the clearest evidence, would have been looked upon as a dreamer. The Pope was still too much dreaded to make it possible that fair play should be granted to the supporters of his influence. He was not yet what he became in the days of Bunyan, the old man sitting in his cave, hopelessly nursing his impotent wrath. His power was, to Burghley and Salisbury, a power which was only a little less, and which might any day become greater, than their own. They thought that if they could get the wolf by the ears, it was the wisest policy, as well as the strictest justice, to hold it fast.

Garnet's trial.

In his speech for the prosecution,[1] Coke attempted to show that the conspiracies which had from time to time broken out in late years had their root in the practices of the Jesuit Society. He asserted that all the plots which had disturbed the repose of Elizabeth had originated with the priests. He told the story of the breves which had been

Coke's speech.

[1] *State Trials*, ii. 229.

received by Garnet before the death of Elizabeth, in which all Catholics were charged not to submit to any successor unless he would not only give toleration, but also would 'with all his might set forward the Catholic religion, and, according to the custom of Catholic princes, submit himself to the See Apostolical.' Garnet had kept these breves till after the death of the Queen, and had only destroyed them when he found them to be of no avail. Coke then mentioned the two interviews in which Catesby had thrown out vague hints of his intentions, and then passed to the conversation of June 9, which was the act of treason with which Garnet was charged in the indictment. The question was whether, in declaring it to be lawful to destroy some innocent persons together with the guilty, Garnet had merely given an answer to an abstract question, or whether he knew that Catesby referred to a plot against the King. If the latter were the case, he was both technically and morally guilty of treason.

Want of proof of the real nature of the conversation with Catesby.

Of this knowledge there was no legal proof whatever. Here, therefore, in our days the case would at once have broken down. But there was strong corroborative evidence derived from Garnet's apparent approval of the plot at a subsequent period, of which Coke was not slow to avail himself. He showed that Garnet was acquainted by Greenway with the conspiracy at least as early as in July ;[1] and he then proceeded to allege facts[2] which certainly went to show that he had never evinced any disapproval of the plot. When Baynham was sent by the traitors into Flanders, it was Garnet who furnished him with a recommendation. In September, Garnet went down to Goathurst, the house of Sir Everard Digby, from whence he proceeded on a pilgrimage to St. Winifred's Well, together with a large number of persons, most of whom were in some way connected with the conspiracy. Was it possible that he would have been allowed to accompany the party as a priest if he

[1] 'June,' in *State Trials*, ii. 229 ; but see Examination of Garnet, March 12, *S. P. Dom.* xix. 40.

[2] Coke merely states facts, without attempting any argument. The arguments which are here given are extracted and abridged from Mr. Jardine's admirable chapter on the question of Garnet's guilt.

had expressed his abhorrence, as he said that he had, of that which was undoubtedly the subject of the prayers which many of them offered on this occasion? Even if this had been the case, he would surely have left the party as soon as possible. Instead of that, he remained at Goathurst, until the family removed to Coughton, when he accompanied them to the very place which had been selected as most appropriate for carrying out the scheme of insurrection which was to follow upon the success of the plot. When there, he requested his little congregation, on All Saints' Day, to pray 'for some good success for the Catholic cause at the beginning of Parliament.'[1] It was not likely that the jury would think that, knowing what he knew, he merely asked that they should pray for the mitigation of the penal laws.

The indictment avoids mentioning the interview with Greenway.

It is worthy of notice, that while the indictment charged Garnet with an act of treason which it was impossible to prove, it neglected to mention the conversation with Greenway, to which Coke referred in his speech, and about which no doubt whatever existed. In taking this course the members of Government were probably influenced by a not unnatural want of moral courage. They knew that the jury would not be particular in inquiring into the proof of the charge which they brought, and they probably considered the indictment to be a merely formal act. On the other hand, they were aware that the knowledge which Garnet derived from Greenway was obtained under the seal of confession, and they were certain that they would be assailed with the most envenomed acrimony by the whole Catholic world, if they executed a priest whose crime was that he had not revealed a secret entrusted to him in confession. They shrank from taking their stand upon the moral principle that

[1] He also sung the following verse of a hymn :

"Gentem auferte perfidam
Credentium de finibus ;
Ut Christo laudes debitas
Persolvamus alacritèr."

Mr. Jardine states that the hymn from which this verse is taken was authorised to be used on All Saints' Day. There can, however, be no doubt that on this occasion it was sung with peculiar fervour.

no religious duty, real or supposed, can excuse a man who allows a crime to be committed which he might have prevented and they preferred to be exposed to the charge of having brought an accusation which they were unable to prove.[1]

Garnet's defence.

Garnet's defence was, that he had never heard of the plot, excepting in confession. To this he added the improbable statement, which was certainly not the whole of the truth, that when Catesby offered to give him full information, he refused to hear him, because 'his soul was so troubled with the mislike of that particular, as he was loth to hear any more of it.'[2] As a matter of course, the jury found a verdict of Guilty.

His ideas on truth and falsehood.

The execution was deferred. Garnet was again examined several times after his conviction, and there may possibly have been some inclination on the part of the King to save his life. But the Jesuitical doctrine on the subject of truth and falsehood which he openly professed was enough to ruin any man. There was nothing to make anyone believe in his innocence, except his own assertions, and the weight of these was reduced to nothing by his known theory and practice. His doctrine was that of the Treatise of Equivocation which had been found in Tresham's room, and which had been corrected by his own hand. He not only justified the use of falsehood by a prisoner when defending himself, on the ground that the magistrate had no right to require him to accuse himself, but he held the far more immoral doctrine of equivocation. According to this doctrine, the immorality of a lie did not consist in the deception practised upon

[1] Both Andrewes and Abbot urge the plea that whoever becomes acquainted with an intended crime, and neglects to reveal it, becomes an accomplice; but they do not give it the prominence that it deserves.—*Tortura Torti*, Works of Bishop Andrewes, Oxford, 1851, p. 365, and *Antilogia*, cap. 13.

[2] *State Trials*, ii. 242. The very long statement by Garnet from the *Hatfield MSS.* 110, fol. 30, of which I have made so much use, is endorsed by Salisbury :—"This was forbidden by the King to be given in evidence." Was the reason because the Queen was spoken of in it as 'most regarded of the Pope,' or simply that in it Garnet denied that he knew of the plot out of confession.

the person who was deceived, but in the difference between the words uttered and the intended meaning of the speaker. If, therefore, the speaker could put any sense, however extravagant, upon the words of which he made use, he might lawfully deceive the hearer, without taking any account of the fact that he would be certain to attach some other and more probable meaning to the words. The following example given in the treatise, was adopted by Garnet:[1] "A man cometh unto Coventry in time of a suspicion of plague. At the gates the officers meet him, and upon his oath examine him whether he come from London or no, where they think certainly the plague to be. This man, knowing for certain the plague not to be in London, or at least knowing that the air is not there infectious, and that he only rid through some secure place of London, not staying there, may safely swear that he came not from London, answering to their final intention in their demand, that is, whether he came so from London that he may endanger their city of the plague, although their immediate intention were to know whether he came from London or no. This man the very light of nature would clear from perjury."

If all liars had been subject to punishment, it would have gone hard with those members of the Government, whoever they were, who, in order to involve the Jesuits in the charge of complicity with the plot, deliberately suppressed the words in which both Winter and Fawkes declared that Gerard, when he administered the Sacrament to the original conspirators, was ignorant of the oath which they had previously taken. But the popular feeling was right in fixing upon equivocation as more demoralising than downright lying, because a person who in self-defence tells a falsehood, knowing it to be such, is far less likely to deceive habitually than one who deceives with words so framed as to enable him to imagine that he is in reality telling no falsehood at all. That popular feeling found a voice

[1] *Treatise on Equivocation*, p. 80. See the quotation from Casaubon's letter to Fronto Ducæus, in *Jardine*, p. 334. Garnet held that equivocation was only to be used 'where it becomes necessary to an individual for his defence, or for avoiding any injustice or loss, without danger or mischief to any other person.'

in the words of the Porter in 'Macbeth': "'Faith, here's an equivocator, that could swear in both scales against either scale; who committed treason enough for God's sake, yet could not equivocate to heaven."[1]

At last, on May 3, when it was evident that no further confession could be extracted from him Garnet was executed, the King having given orders that he should not be cut down until he was dead, so that he might be spared the torture of the usual barbarities. On the scaffold he persisted in his denial that he had had any positive information of the plot except in confession, though he allowed, as he had acknowledged before, that he had had a general and confused knowledge from Catesby.[2] In all probability, this is the exact truth.

April.

May 3. Execution of Garnet.

The probable truth about Garnet.

Soon after the execution, all Catholic Europe was listening with eager credulity to the story of Garnet's straw. It was said that one of the straws used upon the scaffold had a minute likeness of the martyr's head on one of the husks. The miracle was trumpeted abroad by those who should have known better, and found its way from common conversation into the pages of grave writers. An inquiry was instituted by the Government, and it was found that some who had seen the straw declared that there was nothing wonderful in the matter at all, and that the drawing could have been easily executed by any artist of moderate skill.

Garnet's straw.

Oldcorne was taken to Worcester, where he was convicted

[1] Professor Hales, in an article which appeared in *Fraser's Magazine* for April 1878, in which he pointed out the fact that many of the places connected with the plot lay round Stratford-on-Avon, drew attention to the connection between this passage and Garnet's principles.

[2] The following version of this part of his speech puts this clearly:—"De crimine quod objicitur tormentarii pulveris, . . . ita moriar in Domino, ac non sum conscius nisi a confessione. . . . Mihi quidem narrabat R. Catesbeius, universè tantum ac confusè, pro sublevandâ fide Catholicâ afflictissimâ jamque prostratâ, aliquid esse tentandum. Nihil vero certi exploratique narrabat." Account of Garnet's death, May 3, *Roman Transcripts, R. O.*

of treason and executed. Abington also was sentenced to death, but was finally pardoned. The priests and others implicated in the plot, who were now in Flanders, were beyond the reach of the Government, as the Archduke steadily refused to give them up.

Execution of Oldcorne.

It only remained to deal with the lords who had given cause of suspicion by absenting themselves from the meeting of Parliament. Montague escaped from the Star Chamber with a fine of 4,000*l.*, Stourton with one of 1,000*l.*, whilst Mordaunt was set free upon paying 200*l.* to the Lieutenant of the Tower.[1]

Northumberland was a prisoner of greater importance. His connection[2] with Percy brought him under suspicion, and the fact that Percy had come down to Sion House to speak to him the day before the meeting of Parliament, was certain to strengthen whatever suspicions were entertained.

March. Suspicions against Northumberland.

The Earl was examined on the nature of his dealings with Percy, but nothing was elicited to his disadvantage. At least up to March 3, Salisbury expressed his belief in his innocence, though he supposed that he had probably received some general warning from Percy.[3] On June 27, he was brought before the Star Chamber, and was forced to listen to a long and passionate harangue from Coke, who, after mentioning, as he had done in Raleigh's case, all manner of plots with which he was unable to prove that the prisoner had ever been connected, charged him with having committed certain contempts and misdemeanours against the King. His employment of Percy to carry letters to James in Scotland was brought against him, as if he had attempted to put himself at the head of the Catholic party. It was also objected that after the discovery of the plot he had written letters to his tenants, directing them to keep his rents out of Percy's hands, but saying nothing about the apprehension of the traitor. Amidst these trivialities appeared a charge of a graver nature. On

June 27. His trial in the Star Chamber.

[1] The original fines were, as usual, larger than those ultimately demanded.

[2] P. 235.

[3] Salisbury to Edmonds, Dec. 2, 1605. Birch., *Negotiations*, 242. Salisbury to Brouncker, March 3, 1606, *S. P. Ireland.*

June 9, 1604, at the very time when Percy had just signed the lease for the house in Westminster, that traitor had been admitted as one of the gentlemen pensioners, whose office it was to be in daily attendance upon the King. Not only had Northumberland admitted him to this post, in virtue of his position as Captain of the Pensioners, but he had admitted him without requiring the Oath of Supremacy, and, if Coke is to be believed, had afterwards denied the fact that the oath had not been administered. Northumberland must have committed this dereliction of duty with his eyes open, as shortly after the King's accession he had received a letter from James, distinctly ordering that no one was to be admitted as a pensioner who refused to take the oath.[1] By this weakness—for undoubtedly it was no more than a weakness—he had disobeyed the orders given him, and had placed about the person of the King a man who was engaged in plotting his death. Indeed, it was by the opportunities offered to him by his position as a pensioner that Percy hoped to be able to carry out that part of the plot which related to the seizure of Prince Charles.[2]

The sentence was, that the Earl should forfeit all the offices which he held under the Crown, should be imprisoned during the King's pleasure, and should pay a fine of 30,000*l.*, a sum which was afterwards reduced to 11,000*l.*

The sentence.

It was supposed at the time,[3] and it has since been generally believed, that this harsh sentence was dictated by political feeling, and by a desire to get rid of a spirited rival. It may have been so, and it would have been strange if, with a court composed as the Star Chamber was, such feelings had been altogether excluded. Yet it must be remembered that the admission of Percy without requiring the oath from him was no light fault, and that it was one which was likely to make its

[1] The King to Northumberland, May 18, 1603, *S. P. Dom.* i. 81.

[2] Proceedings against Northumberland, *Harl. MSS.* 589, fol. 111. Compare *Add. MSS.* 5494, fol. 61.

[3] Boderie to Villeroi, $\frac{\text{June } 26}{\text{July } 6,}$ 1606. *Ambassades de M. De la Boderie*, L. 180. This letter proves that the sentence was agreed upon at least the day before the trial.

full impression upon the timid mind of James. It is possible that the nature of this fault had not come to light till a short time before the trial, as Cecil, in a letter of March 3, does not refer at all to the omission of the oath.[1] Perhaps it may have been the full discovery of the particulars of this transaction which turned the scale against the Earl.

Undisturbed by the discovery of the danger which had been so happily averted, the Parliament for which such a sudden destruction had been prepared, had quietly met on November 5. In the Upper House no business was done, but the Commons with extraordinary self-command, applied themselves to the regular routine of business. It is difficult to understand how these men, scarcely snatched from death, betook themselves, without apparent emotion, to such matters as the appointment of a committee to inquire into the regulations of the Spanish trade, and the discussion of the petition of a member who asked to be relieved from his Parliamentary duties because he was suffering from a fit of the gout.

Nov. 5, 1605. Meeting of Parliament.

On the 9th the King commanded an adjournment to January 21, in order that time might be given for further inquiry into the ramifications of the conspiracy.

Nov. 9. Adjournment.

[1] This letter to Brouncker, before quoted, reads like the production of a man who meant what he said. Besides, there was no conceivable reason for a hypocrite to mention the subject at all in writing to the President of Munster. Salisbury writes: "For the other great man, you know the King's noble disposition to be always such as, although he may not in such a case as this forget the providence and foresight necessary in cases public, and therefore was constrained, upon many concurring circumstances, to restrain liberty where he had cause of jealousy, yet, considering the greatness of his house, and the improbability that he should be acquainted with such a barbarous plot, being a man of honour and valour, his Majesty is rather induced to believe that whatsoever any of the traitors have spoken of him, hath been rather their vaunts than upon any other good ground; so as I think his liberty will, the next term, be granted upon honourable and gracious terms, which, for my own part, though there hath never been any extraordinary dearness between us, I wish, because this state is very barren of men of great blood and great sufficiency together."

On their reassembling, the attention of the Houses was necessarily directed to the danger from which they had escaped.

1606. Jan. 21. The 5th of November set apart as a day of thanksgiving.

A Bill was eagerly passed, by which November 5 was ordered to be kept as a day of thanksgiving for ever.[1] That Act continued in force for more than two centuries and a half, and was only repealed when the service which was originally the outpouring of thankful hearts had long become an empty form.

Bill of Attainder.

A Bill of Attainder[2] was also passed, in which the names of Owen, who was still bidding defiance to the law, and of Tresham, who had died in prison, were included with those of the conspirators who had been killed at Holbeche, or who had been executed in London. The immediate effect of such an Act was that the lands and goods of the whole number were at once forfeited to the Crown.

There had been, indeed, some who thought these proceedings insufficient. A few days before the prisoners were brought up for trial, a member of the House of Commons moved for a petition to the King, praying him to stay judgment until Parliament should have time to consider of some extraordinary mode of punishment, which might surpass in horror even the scenes which usually occurred at the execution of traitors.[3] To the credit of the House, this proposal met with little favour, and was rejected without a division. A similar attempt in the House of Lords met with the same fate.[4] It is pleasant to know that the times were already past in which men could be sentenced by Act of Parliament to be boiled alive, and that, in the seventeenth century, if London had some horrible sights still to see, it was, at least, not disgraced by scenes such as those which, a few years later, gathered the citizens of Paris round the scaffold of Ravaillac.

Jan. 24. Proposal to inflict extraordinary punishment on the offenders.

Jan. 30.

New laws against the recusants.

It can hardly surprise us that, in spite of this general feeling against the infliction of extraordinary punishments, Parliament had no scruple in increas-

[1] 3 Jac. I. cap. 1.
[2] 3 Jac. I. cap. 2.
[3] *C. J.* Jan. 24, i. 259.
[4] *L. J.* Jan. 30, ii. 365.

ing the severity of the recusancy laws.[1] For the first time, a sacramental test was to be introduced into the service of persecution. It was not to be enough that a recusant had been brought to conformity, and had begun once more to attend the parish church; unless he would consent to receive the sacrament from the hands of the Protestant minister, he was to be called upon to pay a heavy fine. It is impossible to conceive a greater degradation of that rite which the whole Christian Church agrees in venerating.

In order to stimulate the activity of the churchwardens and the parish constables, it was enacted that a fine of twenty shillings should be laid upon them whenever they neglected to present persons who absented themselves from church; and that, on the other hand, they should receive a reward of double the amount upon every conviction obtained through their means.

Up to this time, the very rich had escaped the extreme penalties of recusancy, as, when once they had paid the monthly fine, the law had no further claim upon them, though the amount of their fine might be of far less value than the two-thirds of the profits of their estate which would have been taken from them if they had been poorer men. The King was now empowered to refuse the fine and to seize the land at once. In order that the poorer Catholics might feel the sting of the law, a penalty of 10*l.* was to be laid every month upon all persons keeping servants who absented themselves from church. By this means, it was thought that the numerous servants in the houses of the Catholic gentry would be driven into conformity or deprived of their employment.

This was not all: it was ordered that no recusant should appear at Court, or even remain within ten miles of London, unless he were actually engaged in some recognised trade or employment. A statute of the late reign was also confirmed, which prohibited recusants from leaving their houses for any distance above five miles.[2] It may be allowed that recent experience justified the exclusion of the Catholics from all public offices in the State; but it was hard to forbid them, as the new

[1] 3 Jac. I cap. 4 and 5. [2] 35 Eliz. cap. 2.

statute did, from practising at the bar, from acting as attorneys or as physicians, or from executing trusts committed to them by a relative as executors to his will, or as guardians to his children. Further penalties awaited them if they were married, or suffered their children to be baptized, with any other rites than those of the Church of England. All books inculcating the principles of their religion were to be destroyed, and permission was given to the justices of the peace to visit their houses at any time, in order to deprive them of all arms beyond the little stock which might be considered necessary for the defence of their lives and property.

The new oath.

These harsh measures were accompanied by the imposition of a new oath of allegiance. This oath was framed for the purpose of making a distinction between the Catholics who still upheld the Pope's deposing power and those who were willing to denounce that tenet. Objectionable as all political oaths are, and unjust as are the penalties which are inflicted on those who refuse to take them, the introduction of a declaration of loyalty might, at this time, have been a step in the right direction. If it was thought necessary that Catholics should be punished at all, it was better that they should suffer for refusing to acknowledge that their Sovereign possessed an independent authority than that they should suffer for refusing to go to church. It was in some degree creditable to James and his ministers that, at such a time, they were able to remember the possibility of making a distinction between the loyal and the disloyal amongst the Catholics; but that which might have been an instrument of good, became in their hands an instrument of persecution. It was enacted that the oath might be tendered to all recusants not being noblemen or noble women, and that those who refused to take it should incur the harsh penalties of a premunire, whilst those who took it still remained subject to the ordinary burdens of recusancy. The oath which might have been used to lighten the severity of the laws which pressed so heavily even upon the loyal Catholics, was only employed to increase the burdens upon those who refused to declare their disbelief in a tenet which was inculcated by the most venerated teachers of their

Church, and which might be held innocuously by thousands who would never dream of putting it in practice.

Parliament had thus acted, as it was only too likely to act, under the influence of panic. It had replied to the miserable crime of a few fanatics by the enactment of an unjust and barbarous statute. Convocation determined to seize the opportunity of enunciating those principles of government which were considered by its members to be the true antidote against such attempts. Under Bancroft's guidance, a controversial work [1] was produced, to which, as well as to the canons which were interspersed amongst its pages, that body gave its unanimous consent. These canons, as well as the arguments by which they were accompanied, have been, in later times, justly condemned as advocating, at least indirectly, an arbitrary form of government. It should, however, in justice to the men by whom they were drawn up, be remembered that, if the solution which they proposed for the difficulties of the time was not a happy one, it was at least put forward with the intention of meeting actual and recognised evils. Their argument indeed struck at Papist and Presbyterian alike, but it was evident that it was intended as a manifesto against the Church of Rome. That Church had based its assaults on the national sovereignties of Europe upon two distinct theories: at times the right of the Pope to depose kings had been placed in the foreground; at other times resistance was encouraged against constituted authorities under the guise of the democratic doctrine of popular sovereignty. In the name of the one theory, England had been exposed to invasion, and Elizabeth had been marked out for the knife of the assassin; in the name of the other theory, the fair plains of France had been deluged with blood, and her ancient monarchy had been shattered to the base. All true-hearted Englishmen were of one mind in condemning the falsehood of the principles which had produced such results as these. Government, they believed, was of Divine institution, and was of far too high a nature to be allowed to depend upon the arbitrary will of the

Canons drawn up by Convocation.

[1] Published in 1690, under the title of *Bishop Overall's Convocation Book.*

Pope, or of any body of clergy whatever; still less should it depend upon the equally arbitrary will of the people; it ought not to be based upon will at all; it was only upon right that it could rest securely.

Such a theory had evidently a better side than those are accustomed to perceive who malign the Church of England as a mere handmaid of tyranny. It was a recognition, in the only way which, in that age, was possible, of the truth that society is a whole and that religious teachers cannot rightfully claim a place apart from it, as if they were removed from the errors and failings of human nature. Where those who held this theory went astray was in the mistake which they made as to the permanence of the special organization of the society in which they lived. They fancied that the Elizabethan monarchy ought to be perpetual. It was not unnatural that they should fancy that James was even greater than Elizabeth had been; that he was indeed the rising sun, come to take the place of a 'bright, occidental star.' Not a suspicion ever crossed their minds that their ecclesiastical cause was not the cause of God, and they knew that for the support of that cause they could depend upon the King alone. It was one of the first articles of their creed, that the people could be moulded into piety by their system, and it was plain that, without the King's help, their system would crumble into dust. Was it wonderful, then, that they thought less of the law and more of the Sovereign than their lay fellow-countrymen? Was it strange that they read history and Scripture with jaundiced eyes, and that they saw nothing there but the doctrine that, in each nation, the power of the Sovereign who for the time being occupied the throne, was held by the special appointment of God, and that this power was of such a nature that under no imaginable circumstances was it lawful to resist it? The fact was, that the rule of James appeared to them as the rule of right over lawlessness, and that they gladly elevated into a principle that which, in their eyes, was true in the individual case.

But whatever may have been the circumstances under which the doctrine of non-resistance originated, it is certain

that it was false in itself, and that it hung like a blight for many years over the energies of England. If it had ever obtained general recognition, it would have cut at the root of all that has made the nation to be what it is; it would have eaten out that sense of right, and that respect for the law, which is at the bottom of all the progress of the country.

Consequences of the doctrine of non-resistance.

Strange as it may seem, the first blow directed against this elaborately-constructed theory came from the King himself. A doctrine which based his claim to the obedience of his subjects merely upon the fact of his being in possession of the crown, was not likely to find much favour in his eyes. According to this reasoning, as he justly observed, if the King of Spain should ever conquer England, his own subjects would be precluded from attempting to shake off the yoke of the invader. Nor was it only to that part of the canons which struck at his own hereditary title that James objected: he told the astonished clergy plainly that, whatever they might think, it was not true that tyranny could ever be of God's appointment. He was himself desirous to maintain the independence of the Dutch, and he did not believe that in so doing he was assisting them to throw off an authority ordained of God.[1] He accordingly refused to give his consent to this unlucky production of the Convocation.

James's letter to Abbot.

If the theories of the Bishops gave offence to the King, they were far more likely to provoke opposition on the part of those who were looking to the law of England as the one great safeguard against arbitrary power of every description. The Canons of 1604 had given umbrage to the Commons, especially as, in ratifying them, James had commanded them to 'be diligently observed, executed, and equally kept by all our loving subjects of this our kingdom.'[2] The Commons, of course, resented this claim of the clergy to legislate for the whole people of England, and especially their attempt to create punishable offences, a right which they held to be inherent in

The Commons protest against the opinion that Convocation can pass canons binding without consent of Parliament.

[1] The King to Abbot. Wilkins's *Conc.* iv. 405

[2] Cardwell's *Synodalia*, 328.

Parliament alone. A Bill was accordingly brought in, in the course of the following session, for the purpose of restraining the execution of all canons which had not been confirmed by Parliament. The Bishops, however, had sufficient influence to procure its rejection by the House of Lords.

The oath of allegiance.

Whatever the Catholics may have thought of this production of the Convocation, the oath of allegiance was to them a far more serious matter. It had been, indeed, framed with the intention of making it acceptable to all loyal persons. The Pope's claim to excommunicate Sovereigns was left unquestioned. The oath was solely directed against his supposed right of pronouncing their deposition, and of authorising their subjects to take up arms against them. Those who took it were to declare that no such right existed, to promise that they would take no part in any traitorous conspiracies, and to abjure the doctrine that excommunicated princes might be deposed or murdered by their subjects.

The deposing power of the Popes.

To the oath itself it is impossible to find any reasonable objection. If there had ever been a time when the infant nations required the voice of the Pope to summon them to resist tyranny, that time had long passed by. The deposing power in the hands of the Popes of the sixteenth century had been an unmixed evil. The oath too may fairly be regarded as a serious attempt to draw a line of separation between the loyal and the disloyal Catholics, and if it had been accompanied with a relaxation of the penal laws in favour of those who were willing to take it, it would have been no inconsiderable step in advance. Its framers, however, forgot that there would be large numbers, even of the loyal Catholics, who would refuse to take the oath. Men who would have been satisfied to allow the deposing power to be buried in the folios of theologians, and who would never have thought of allowing it to have any practical influence upon their actions, were put upon their mettle as soon as they were required to renounce a theory which they had been taught from their childhood to believe in almost as one of the articles of their faith. Nor would their tenacity be without a certain moral dignity. Unfounded and pernicious as the Papal theory was, it certainly gains by comparison with that

mere adoration of existing power which had just been put for ward by Convocation as the doctrine of the Church of England

In the midst of its discussions on weightier matters, Parliament had found some time to devote to the consideration of the King's necessities. Ever since James's accession, the state of the Exchequer had been such as to cause no little trouble to those who were responsible for the administration of the finances. The long war had considerably affected, at least for a time, the resources of the Crown. Parsimonious as she was, Elizabeth had been compelled, during the last five years of her reign, to sell land to the value of 372,000*l.*,[1] and had besides contracted a debt of 400,000*l.* There was indeed, when James came to the throne, a portion still unpaid of the subsidies which had been voted in the time of his predecessor, which was estimated as being about equal in amount to the debt, yet if this money were applied to the extinction of the debt it was difficult to see how the expenses of the Government were to be met. If the King had modelled his expenditure upon that of Elizabeth, he could hardly succeed in reducing it much below 330,000*l.*, and during the past years of his reign his income from other than Parliamentary sources fell short of this by more than 30,000*l.*[2] It is probable, indeed, that some of the revenue which should have supplied the wants of James had been anticipated by his predecessor. Either from this cause, or from some other reason connected with the returning prosperity consequent upon the cessation of the war, the receipts of 1604 were much larger than those of the preceding year. But whatever hope might be entertained on this account, was counterbalanced by the confusion caused by the extraordinary expenses which were likely for some time to press upon the Exchequer. The funeral of

Emptiness of the Exchequer.

[1] Comparative review of the Receipts and Expenditure, July 24, 1608, *S. P. Dom.* xxxv. 29.

[2] Compare the calculations in *Lansd. MSS.* 164, fols. 435, 436, 505, 507, with those in *Parliamentary Debates in* 1610, Camd. Soc., Introd. x. The latter do not include the Court of Wards and the Duchy of Lancaster, and they commence the year at Easter instead of at Michaelmas. The amount of the debt at James's accession, which is variously stated in different reports of speeches, is fixed by the official account in the *S. P. Dom.* xix. 45.

the late Queen, the King's entry and coronation, the entertainment of the Spanish ambassadors, and other necessary expenses, would entail a charge of at least 100,000*l.*, a sum which bore about the same relation to the income of 1603 as a sudden demand for 26,000,000*l.* would bear to the revenue of the present day.

The financial position of James, therefore, was beset with difficulties. But it was not hopeless. If he had consented to regulate his expenditure, not indeed by the scale of the late parsimonious reign, but in such a way as a man of ordinary business habits would have been certain to approve of, he might, in the course of a few years, have found himself independent of Parliament, excepting in times of extraordinary emergency. There were many ways in which the revenue was capable of improvement, and it would not be many years before a balance might once more be struck between the receipts and the outgoings of the Exchequer; but there was little hope that, even if James had been less extravagant than he was, the needful economy would be practised. Elizabeth had been her own minister of finance, and had kept in check the natural tendency to extravagance which exists wherever there is no control over the heads of the various departments of the State and of the Household. With her death this salutary control was at an end, and no official body similar to the present Board of Treasury was at hand to step into the vacant place. James, indeed, from time to time, was ready enough to express his astonishment at what was going on. He never failed to promise retrenchment whenever his attention was called to the state of his finances, and to declare that he had at last made up his mind to change his habits; but no sooner had some new fancy struck him, or some courtier approached him with a tale of distress, than he was sure to fling his prudence to the winds. The unlucky Treasurer was only called upon, when it was too late to remonstrate, to find the money as he could.

Prospects of a remedy.

Every year the expenditure was growing. In the twelve months which came to an end at Michaelmas 1605, it had reached what in those days was considered to be,[1] for a year of peace, the enormous sum of

Growth of the expenditure and of the debt.

[1] That is to say, the income from unparliamentary sources. The

466,000*l.*[1] To meet this every nerve had been strained in vain. The revenue had been improved, and the subsidies voted in the time of Elizabeth had been diverted from the repayment of the debt, in order to meet the current expenditure. Large debts had been incurred in addition to the debt which was already in existence. Money had been obtained by a forced loan bearing no interest, which had been raised by Privy Seals immediately after the close of the session of 1604, and in addition to this easy mode of putting off the difficulty, recourse had been had to the method of borrowing considerable sums at what was then the ordinary rate of 10 per cent. After all this, it was still found to be necessary to leave many bills unpaid. At the beginning of 1606, the whole debt amounted to 735,000*l.*,[2] and it was calculated that the annual deficit would reach 51,000*l.*, without allowing for those extraordinary expenses to which, under James's management, it was impossible to place any limit, but which seldom fell short of 100,000*l.* a year.

The King's extravagance had shown itself in various ways. About 40,000*l.* were annually given away, either in presents or in annuities paid to men who had done little or nothing to merit the favour which they had received.[3] Those into whose

subsidies were uncertain, and should have been applied to the redemption of the debt.

[1] When Parliament met in 1606

	£
The ordinary issues were	366,790
The ordinary receipts	314,959
Excess of issues	£51,831

(*S. P. Dom.* xix. 46.) Besides this, it was found that the actual receipts had fallen short of the estimates by 6,000*l.* The extraordinary expenditure appears from the *Pells Declarations* to have been about 100,000*l.*, making a total expenditure of about 466,000*l.*

[2] By Dorset's declaration

	£
The King's debt at his accession was	400,000
His extraordinary expenses during three years	104,000
The new debt	231,280
	£735,280

(*S. P. Dom.* xix. 45.)

[3] Parliamentary debates in 1610. Camd. Soc. Introd. p. xiii.

pockets the golden stream was flowing were not the statesmen who were consulted by the King on every question of importance; they were the men who, whether of Scottish or of English birth, had raised themselves by their ability to tickle their patron's ear with idle jests, and to minister to his amusements in his leisure hours. Under such conditions, the expenses of the Court swelled every year. The pension list grew longer, the jewels more costly, and the robes more gorgeous than those with which Elizabeth had been content. In political life, indeed, the Ramsays and the Herberts were as yet kept in the background. As long as Salisbury lived, such as they were not allowed to meddle with appointments to office, or to sway the destinies of the State; but their very presence at Court must have been highly obnoxious to the grave and sober men who formed so large a part of the House of Commons.

Yet, unless the Commons could be persuaded to come forward with liberal supplies, James would not only be compelled to pause in his career of extravagance, but would be unable to meet the most justifiable demands on the Exchequer. Salisbury, who knew that it would be necessary to make application to Parliament, had been urgent with James to retrench. Within three weeks of the meeting of Parliament, James had done all that words could do to show how completely he recognised the danger of his situation. "I cannot," he wrote to Salisbury on October 18, "but be sensible of that needless and unreasonable profusion of expenses, whereof you wrote me in your last. My only hope that upholds me is my good servants, that will sweat and labour for my relief. Otherwise I could rather have wished, with Job, never to have been, than that the glorious sunshine of my first entry here should be so soon overcast with the dark clouds of irreparable misery. I have promised, and I will perform it, that there shall be no default in me; my only comfort will be to know it is mendable. For my apprehension of this state—however I disguise it outwardly—hath done me more harm already than ye would be glad of."[1]

Oct. 18. 1605. James wishes to be economical.

On February 10, whilst the feelings of the Commons were

[1] *Hatfield MSS.* 134, fol. 72.

still under the influence of their great deliverance, the subject of a supply was brought forward. The greater number of speakers proposed a grant of two subsidies and four fifteenths, which would amount to about 250,000*l.*[1] The whole matter was, however, referred to a Committee, which was to meet on the following afternoon.

Feb. 10. 1606. Supply proposed in the Commons.

Of this Committee Bacon was a member. He was now looking forward again to promotion. In October, 1604, the Solicitor-Generalship had been vacant, but he had once more been passed over in favour of Sir John Doderidge. He can hardly have failed to gain the King's favour, a few weeks later, by the zeal which he showed in the consultations of the Commissioners on the Union; and it had become evident, by the course taken by the Commons in the last session, that it was more than ever necessary to secure the services of a man of ability and talent, who might take the lead in the debates. Such a part was exactly to his mind. In October 1605, he had completed his great work on 'The Advancement of Learning,' and he was now eager to devote himself to politics. Anxious as he was for reform, he wished to see it proceed from the Crown, and he had not given up hope that the mistakes of James were a

Bacon's position in the House.

[1] A subsidy was an income-tax of 4*s.* in the pound upon the annual value of land worth 20*s.* a-year, and a property-tax of 2*s.* 8*d.* in the pound upon the actual value of all personal property worth 3*l.* and upwards. Personal property was, therefore, much more heavily burdened than real property. The tenths and fifteenths were levied upon the counties and boroughs at a fixed rate, settled by a valuation made in the reign of Edward III. Each county or borough was responsible for a certain sum, which was levied by persons appointed by its representatives in the House of Commons. The subsidies were levied by Commissioners appointed by the Chancellor from amongst the inhabitants of the county or borough. Apparently, from the laxity of these Commissioners, the receipts had been steadily decreasing. Thus—

	£
One subsidy of the laity, with two 10ths and 15ths, produced in 13 Eliz.	175,690
Ditto in 35 Eliz.	152,290
Ditto in 43 Eliz.	134,470
Ditto in 3 Jac.	123,897

Oct. 28, 1608.—*S. P. Dom.* xxxvii. 38.

mere passing cloud, which would be removed as soon as he was rendered accessible to good advice. To serve the King in any capacity which would enable him to share in the councils of the State had long been the object of his ambition. In this session, however, there were few difficulties of a nature to call for the exercise of superior powers. The effect of the discovery of the Gunpowder plot had been to produce a strong feeling in the King's favour.[1] On the first morning after the appointment of the Committee, the King thanked the House for its offer to supply his wants, and signified his readiness to allow the question of purveyance to be again taken into consideration. A few days afterwards, however, at a conference held on this subject, the Lord Treasurer took the opportunity of expatiating on the King's necessities. A month passed before the question was taken up by the House itself, and then, on March 14, a proposition was made to increase the supply to which they had already agreed.[2] There was some opposition, and the debate was adjourned till the 18th. When the House met on that day, a message was brought from the King, begging them to come to a speedy decision, one way or the other, upon the proposed supply, as he was unwilling to see his necessities exposed to any further discussion. Upon this, after some debate, an additional subsidy with its accompanying two fifteenths was voted, and a Committee was appointed to draw up the Bill. On the 25th, Bacon reported the recommendations of the Committee. A debate ensued upon the length of time which was to be allowed for the payment of the six portions into which the supply granted was to be divided; and it was not without difficulty that Bacon carried his proposal that the whole grant should be levied before May, 1610.

Feb. 10. The King thanks the House.

Feb. 14. The King's necessities explained.

Subsidies granted.

March 25.

[1] *C. J.* i. 266.

[2] *C. J.* i. 271. There is no mention of the report of the Committee, but it must be supposed that they recommended a Bill for two subsidies and four fifteenths, as Salisbury speaks, on March 9, of the grant as already made, though nothing had been done formally (Salisbury to Mar, March, 1606, *S. P. Dom.* ix. 27).

His arguments were rendered more palatable by a circumstance which had occurred a few days previously. On the 22nd a rumour reached London that the King had been murdered, and when the report proved false, the members must have felt that, much as they might dislike many of James's actions, they could hardly afford to lose him. Prince Henry was still a child, and the prospect of a minority at such a time was not to be regarded with complacency.

March 22. Rumours of the King's death.

The readiness with which this supply was granted was the more remarkable because the efforts of the Commons to pass a Bill against the abuses of purveyance had been wrecked on the resistance of the Lords. Nor were they satisfied by a proclamation in which the King put an end to most of those abuses, as he left untouched the claim of his officers to settle at their pleasure the prices which they would give. It appears, however, that the officers took care not to revert to their old malpractices, and some years later the counties agreed to a composition by which a sum of money was to be paid annually in lieu of the burden of purveyance.

Efforts to restrain the abuses of purveyance.

Not only did the Commons pass their subsidy bill in spite of this treatment, but they did not insist upon obtaining an immediate answer to the petition of grievances which they had drawn up. They contented themselves with leaving it for the consideration of the Government during the recess. On May 27 Parliament was prorogued, and the King and the Lower House parted in far better humour with one another than at the close of the preceding session.

The petition of grievances.

A few days after the prorogation, the death of Sir Francis Gawdy, the Chief Justice of the Common Pleas, threw into the hands of the Crown one of the most important of the legal appointments in its gift. The place was given to Coke, whose services during the trials of the Gunpowder conspirators thus obtained their reward. Coke's removal opened a prospect of promotion to Bacon, as the two men were on such bad terms with one another that they could not be expected to work together in offices so closely connected as were those of the two chief legal advisers of the Crown. At the time when Bacon was engaged in

June 29. Coke's promotion.

Bacon hopes to become Solicitor-General.

supporting the Government in Parliament during the session which was just concluded, he had received promises of promotion both from Salisbury and from the King himself. Ellesmere, who always looked with favour upon Bacon, had suggested that whenever the Attorney-General should go up to the Bench, Doderidge, the Solicitor-General, might rise to the post of King's Serjeant. Bacon might then succeed Doderidge, and the Attorney-General's place, to which he made no claim, would be at the disposal of the Government.[1] Accordingly, when the vacancy occurred, the Attorneyship was conferred on Sir Henry Hobart, a sound lawyer and an upright man, who had Salisbury's good word on his side. Doderidge, however, remained Solicitor-General for another year, and Bacon failed to receive the appointment which he had been led to expect, though the reasons of his failure are left to conjecture.

July 4. Hobart becomes Attorney-General. Bacon is not promoted.

From cares of state James easily turned aside to his pleasures. Scarcely was the session over when he was looking anxiously for the arrival of his brother-in-law, Christian IV. of Denmark. The two kings enjoyed one another's company, hunted together, and feasted together. Christian was an able ruler, but he was addicted to drinking beyond all bounds of moderation. The English court caught the infection of evil. At a feast given by Salisbury to their Majesties at Theobalds, English ladies, who were to have taken part in a masque, reeled about the hall in a state of intoxication, and the King of Denmark was carried off to bed when he was no longer able to stand.[2] James showed no sign of displeasure that these things had taken place in his presence. If he did not do evil himself, he was without the power of checking those who did.

July 17. Visit of the King of Denmark.

[1] Bacon to the King, *Letters and Life*, iii. 293.

[2] Harington's *Nugæ antiquæ*, ii. 126.

CHAPTER VIII.

THE POST-NATI.

In the busy session which had come to an end in May 1606, no time had been found for a discussion on that union with Scotland which James had so much at heart. By common consent the whole subject was postponed to the ensuing winter. Whatever difficulties might stand in the King's way in England, it hardly seemed likely that he would meet with serious opposition in Scotland. Already, whilst the English Parliament was still in session, events had occurred in the northern kingdom which showed how much James could there venture on with impunity.

1606. The discussion on the Union postponed.

It is usually taken for granted that the accession of James to the throne of England enabled him to interfere with greater weight in Scottish affairs, and that it contributed in no small degree to the subsequent overthrow of the Presbyterian system. There can be little doubt that the effects of the change have been considerably exaggerated. It is true, indeed, that James was now safe from personal attack, but for any practical purpose his strength was hardly greater than it was before. He found no standing army in England which might serve to overawe his Scottish subjects, and, even if he had attempted to raise English forces to suppress any movement in the North, he would certainly have roused a spirit of resistance in all classes. Nor was the money which he squandered upon some of his countrymen likely to conciliate opposition. The men whose names figure in the accounts of the English Exchequer as receivers of pensions or of gifts, the

1603. Effects of the King's accession to the English throne.

Hays, the Ramsays, and the Humes, were not the men who held the destinies of Scotland in their hands. The great nobility, who now formed the chief supports of the throne, and the statesmen who carried on the government of the country in the name of their Sovereign, were not appreciably the richer for the change which had placed James upon the throne of England.[1]

His success owing to his coalition with the nobility.

Whatever may have been the value of the victory which had been won by the King over the Presbyterian clergy, it was at least won by Scottish hands. It was to the coalition between the Crown and the nobility that the success of James was owing. The nobility, having abandoned the hope of retaining their independence, were eager to obtain in exchange the direction of the government of the country. Before such strength as they were able to put forth when united under the Crown all resistance on the part of the clergy was impossible, and, with very few exceptions, they looked with jealous eyes upon the Presbyterian Church. The eloquence and the moral vigour of the clergy still caused James to hesitate before proceeding to extremities ; but it is unlikely that, under any circumstances, he would have long refrained from putting forth his power, and he certainly was not possessed of sufficient wisdom to shrink from using for that purpose his creatures the Bishops.

If, however, the change in James's position did not enable him to throw any greater weight than he had hitherto done into the scale of Scottish ecclesiastical politics, it was such as to make him look upon the contest in which he had been engaged from a new point of view, and to inspire him with greater resolution in dealing with that system of Church government which was every day assuming darker colours in his eyes. The example of the English Church was too enticing, and the contrast between the Convocation of the Province of Canterbury and a Scottish General Assembly was too striking, not to make him eager to free himself from what he considered as the disorderly scenes which, when he had been in Scotland, had continually interfered with the success of his most cherished projects.

[1] In one or two instances the salaries of Scotch officials were paid out of the English Exchequer, but these were of no great amount.

For a time, however, James seems to have laid aside his intention of introducing episcopacy into Scotland. His first interference, on a large scale, with the Church after he crossed the Borders, was his postponement for a twelvemonth of the General Assembly which had been appointed to meet at Aberdeen in July 1604. It was no mere prorogation that he had in mind. In the following March he wrote that, unless the English Privy Council advised him to the contrary, he would never call another General Assembly as long as he lived.[1] If the Scottish Church would not submit to the organization which he believed to be the best, it should have no organization at all.

July, 1604. The Assembly summoned to Aberdeen postponed.

March, 1605. James intends to have no general assemblies.

But, either from deliberate intention, or from mere carelessness, James set aside, upon his own responsibility, the law of the land. By the Act of 1592, to which the Presbyterian system owed its legal establishment, it was declared to be lawful for the Church to hold its General Assemblies at least once a year, if certain forms which had been complied with on this occasion were observed. And he had himself, at the last meeting of the Assembly, given his consent to the observance of this Act for the future.

Such disregard for the rights of the clergy was sure to draw upon James the suspicions of all who reverenced the existing constitution of the Church In spite of the King's orders, the Presbytery of St. Andrews, which was always the first to start forward as the champion of Presbyterianism, sent three ministers to Aberdeen, who, finding themselves alone, came away, leaving behind them a written protest that they were not to blame for the consequences of such a breach of the laws of God and man.

Though the Presbytery of St. Andrews stood alone in protesting against the illegality of the adjournment, there can be little doubt that the dissatisfaction was widely spread. The representatives of the Church, or, as they were commonly called, the Commissioners of the General Assembly, had been chosen in accordance with the Act of the Assembly of 1600. Though they had not been suffered to sit in Parliament, they

[1] The King to Cranborne, March 14, 1605, *Hatfield MSS.* 188, fol. 90.

had been treated with respect by the King, and had been consulted on Church affairs, to the exclusion of other ministers. At a meeting of the ministers held at Perth in October 1604, hard words were spoken both of the Bishops and of these Commissioners of the Assembly, who were accused of using their position to draw all ecclesiastical power into their hands. The King's declaration that he had no intention of altering the existing system, which seems to have been in accordance with his intentions at the time,[1] was looked upon with suspicion. This suspicion was converted into certainty upon the appearance, in June 1605, of a letter addressed to the Presbyteries by the King's Commissioner, Sir Alexander Straiton, of Lauriston, and the Commissioners of the Assembly, informing them that the King had directed another prorogation of the Assembly, which they had in the meantime themselves summoned to meet in July at Aberdeen, on the ground that it was impossible for him to consider of the matters which would come before them until the close of the sessions of the two Parliaments, which were to be engaged in settling the question of the union.[2]

Oct. 1604. Meeting of ministers at Perth.

June 7, 1605. Second postponement of the meeting of the Assembly.

In committing this renewed breach of the law, James appears to have been influenced by the belief that, if he allowed the Assembly to meet, it would denounce the Bishops and overthrow even what little had been done by the earlier Assemblies in favour of the appointment of representatives of the Church in Parliament,[3] and when news was brought to the Chancellor of the meeting of the Assembly, he at once asked 'if there was any Act made against the Bishops and Commissioners.'[4] To the Bishops, indeed, who actually sat in Parliament, the Assembly could do little harm, as they held their seats by virtue of the Act of Parliament passed in 1597, and they would not be affected by a repeal of the Act of the Assembly, by which

Causes which influenced the King.

[1] See p. 76. [2] *Calderwood*, vi. 271. [3] Forbes's *Records*, 384.

[4] This must be the meaning of Spottiswoode's statement, 'that the King was informed that ministers intended to call in question all the conclusions taken in former Assemblies for the episcopal government,' iii. 157. *Forbes*, 401.

voters were allowed to appear on behalf of the Church. Indeed, several new Bishops, and the two Archbishops of St. Andrews and Glasgow, Gladstanes and Spottiswoode, had been recently appointed by the King, without the slightest pretence of conforming to the mode of election prescribed by the Assembly. With the Commissioners the case was different. Their tenure of office was at an end as soon as the next Assembly met, and by simply refusing to reappoint them, the Assembly would put an end to the only link which existed for the time between the King and the Church. That such a course would be adopted was not in itself unlikely. They were, not unreasonably, regarded with great dislike by the vehement Presbyterians, as men who lent the weight of their authority to the support of the Crown against the clergy. That such a body should be in existence, in some form or another, was looked upon by James as a necessary part of the system upon which he proposed to govern the Church. If he could have been sure of having commissioners always by his side who would give him the support of an ecclesiastical authority in keeping the clergy in due submission to himself, he would probably have been satisfied. But this was exactly what he never could be sure of. Day by day the episcopal system appeared more desirable in his eyes. It was not an ecclesiastical, it was purely a political question. Commissioners owed a divided allegiance, and might be removed from office at any time. Bishops were creatures of his own, and, by the very necessity of their position, would do his bidding, whatever it might be.

Against this attempt of the King to interfere with the Church all that was noblest in Scotland revolted. The Presbyterians felt that they had right on their side. It was impossible that such a scheme as that of James could be confined to restricting them from interfering with merely temporal matters. If their Assemblies were silenced, or if they were only allowed to vote and speak under the eye of the Court, there was an end for ever of that freedom for which they had struggled so manfully. The kingdom of Christ, of which they constituted themselves the champions, may have been possessed in their eyes of attributes and powers which had their

Presbyterian opposition.

origin merely in their own imaginations ; but it is impossible to mistake the real nature of the contest in which they were engaged. It was one, like that between the medieval Popes and Emperors, out of which, at the time when it was entered on, no satisfactory issue was possible. The King, in claiming to silence the voice of the clergy when it was disagreeable to himself, was in reality attempting to silence that criticism in the absence of which all authority becomes stagnant and corrupt. The clergy, in claiming the right of criticism for themselves alone, in the name of an assumed Divine right, was making the independent development of lay society impossible. The only real cure for the disorder was complete liberty of speech, and liberty of speech, in the face of the immense power of the nobility, was only attainable by organization. To crush that organization, as James was now preparing to do, was to play into the hands of the nobility, and to weaken, as far as it was possible, the strongest bulwark of thought over force which then existed in Scotland.

This time, too, the law of the land was on the side of the clergy. The Act of 1592 distinctly guaranteed the yearly meetings of the Assembly. When, therefore, it was known that the King had ordered the Assembly to be again postponed, though the majority were unwilling to irritate him by disobeying the command, there were a few who felt that to yield at such a time would be to betray the cause of the Church and of the law, from fear of the consequences of resisting an arbitrary and illegal mandate.

Meeting of the ministers at Aberdeen.

On July 2, 1605, therefore, nineteen ministers assembled at Aberdeen. A few more would have joined them, if they had not been led to suppose that the day of meeting had been the 5th instead of the 2nd of the month.[1] This discrepancy in the letter by which the prorogation had been notified to them has been supposed to have been owing to a design on the part of the Government to bring them to Aberdeen in detached bodies.

As soon as this little handful were assembled, Straiton pre-

[1] *Forbes*, 386. *Calderwood*, vi. 322.

sented them with a letter from the lords of the Council. As, however, the letter was directed 'To the Brethren of the Ministry convened in their Assembly in Aberdeen,' they refused to open it till they had constituted themselves into a regular Assembly by choosing a Moderator. Straiton, after suggesting John Forbes of Alford as a proper person, left the room. As soon as he was gone, Forbes was unanimously elected, and, the Assembly being constituted, the letter of the Council was opened. It was found to contain a warning not to offend the King by meeting without his consent, and an order to leave Aberdeen without appointing any time or place for the next Assembly. To the first point the ministers were ready to agree. They had no wish to push matters to extremities by attempting to transact business in defiance of the King; but they were by no means willing to surrender the independence of the Assembly, by leaving in the King's hands the appointment of its meetings. They did, however, what they could to avoid anything which looked like disloyalty. They sent for Straiton, and begged him to name any day he pleased, however distant, and assured him that they would willingly submit to his decision. It was only after his refusal to agree to their proposal, that they themselves adjourned the Assembly to the first Tuesday in September. It was then, and not till then, that the King's Commissioner declared that he did not consider them to be a lawful Assembly, as the Moderator of the last Assembly, who ought to have opened the meeting, was not present. He followed this up by threatening the ministers with the treatment of rebels if they did not instantly break up their meeting. Having accomplished the object for which they had come, they left the town without making any resistance. Nine other ministers, who arrived on the 4th and 5th, also went home, after signifying their approval of the conduct of their brethren.[1]

Straiton presents them with the letter of the Council.

The Assembly prorogues itself.

Either during his last conversation with the ministers, or on his way home, Straiton remembered that the effect of what had

[1] *Forbes*, 388–396.

just passed under his eyes would be to bring to an end the authority of the Commissioners of the last Assembly, if the nineteen ministers who had just left Aberdeen constituted a real Assembly. Accordingly, fearing lest he should be brought to account for not using more active measures, he determined to invent a story which would save him from disgrace. On his return to Edinburgh he boldly declared that, on the day before the ministers met, he had published a proclamation at the Market Cross at Aberdeen, forbidding them to take part in the Assembly.[1] To this falsehood he afterwards added an equally fictitious account of the forcible exclusion of himself from the room in which the Assembly was held.

Sraiton falsifies his account of the Assembly.

Unfortunately the men who occupied the principal positions in the Council were not likely to give themselves much trouble to sift the matter to the bottom. The Chancellor, who now bore the title of Earl of Dunfermline, had formerly, as Alexander Seton, been brought into frequent collisions with the clergy. Elphinstone, who had now become Lord Balmerino and President of the Court of Session as well as Secretary of State, had also old grudges which he was not unwilling to pay off. They were both Catholics, and as such they wished to do everything in their power to depress the Presbyterian clergy. They therefore, as soon as they received a letter from James urging them to take steps against the ministers, instead of attempting to enlighten his mind as to the deception which had been practised upon him, threw themselves readily into the course of persecution which he pointed out ;[2] although Dunfermline had not long before assured Forbes that he would be quite content if the Assembly should act in the precise way in which its proceedings had been actually carried on, and, when he first saw an account of what had passed, had approved of all that had been done.

He is supported by Dunfermline and Balmerino.

Accordingly, on July 25, the Scottish Council issued a proclamation prohibiting the Assembly from meeting in September.

[1] *Forbes*, 401.

[2] The King to Balmerino, July 19. Botfield, *Original Letters relating to Ecclesiastical Affairs* (Bannatyne Club), i. 355*.

On the same day, Forbes was summoned before the Council, and on his giving it as his opinion that the meeting at Aberdeen was a lawful Assembly, he was committed to custody in Edinburgh Castle, from whence, a few days later, he was removed to Blackness, where he was soon joined by John Welsh, one of those who had not appeared at Aberdeen till after the conclusion of the proceedings, but who was regarded by the Government with suspicion as a man who was warmly attached to the Presbyterian discipline.[1] Four others were at the same time sent down to Blackness.

Imprisonment of Forbes and the other ministers.

The King was determined to carry out his authority with a high hand. He sent down a letter which all the Presbyteries were directed to have read from the pulpit, in which he explicitly affirmed that the law was not intended to bind him to observe under all circumstances the privileges by which any body or estate in the kingdom was allowed to meet or to deliberate.[2] This letter the Presbyteries refused to read, but it was published by authority some months afterwards. He also directed certain captious questions to be put to the imprisoned ministers, which were intended to entangle them into an admission of the unlawfulness of the Aberdeen Assembly.

On their refusal to do this, they were summoned, with some of the other ministers who shared in their steadfastness, to appear on October 24 before the Council, in order to hear the Assembly declared to be unlawful, and to receive their own sentence for taking part in it.[3] On the ap-

Their declinature.

[1] *Forbes*, 403.

[2] *Calderwood*, vi. 426. "As for an instance," James argued, "every burgh royal hath their own times of public mercats allowed unto them by the law, and the King's privilege, but when the plague happened in any of these towns did not he, by proclamation, discharge the holding of the mercat at that time for fear of infection, and yet thereby did no prejudice to their priviliges?"

[3] *Calderwood*, vi. 342. The portion of the Act of 1592 which bears upon the question, runs as follows:—"It shall be lawful to the Kirk and ministers, every year at the least and oftener, *pro re natâ*, as occasion and necessity shall require, to hold and keep General Assemblies, providing that the King's Majesty, or his Commissioners with them to be appointed

pointed day they were brought before the Council, and, after in vain beseeching the Lords to refer their case to a General Assembly, gave in a declinature, in which they refused to acknowledge the jurisdiction of the Council in a question concerning the rights of the Church, and referred their cause to the next Assembly. James, when he heard of the course which they had taken, directed that they should be brought to trial upon a charge of treason, under the Act of 1584, which pronounced it to be treasonable to refuse to submit to the jurisdiction of the Council. In order to insure a conviction, he sent down the Earl of Dunbar to use his authority with all who might be inclined to throw obstacles in the way. The very choice of such a representative was significant of the distance from the Scottish clergy to which James had drifted. Dunbar, who, as Sir George Hume, had accompanied James to England, was not a Presbyterian, and it was questionable whether he was even a Protestant.

The King directs that they shall be brought to trial.

In the proceedings which followed, it is neither the abstruse points of law which were so diligently argued, nor even the fate of the bold and fearless men whose lives and fortunes were at stake, which principally attracts our attention. The real question at issue was, whether the King's Government was worthy to occupy the position which it had taken up. If the Assemblies were not to be allowed to meet and to deliberate inde-

by His Highness, be present at ilk General Assembly before the dissolving thereof, nominate and appoint time and place when and where the next General Assembly shall be holden; and in case neither His Majesty nor His said Commissioners be present for the time in that town where the said General Assembly is holden, then, and in that case, it shall be lesum to the said General Assembly by themselves to nominate and appoint time and place where the next General Assembly of the Kirk shall be kept and holden, as they have been in use to do these times by-past." (*Acts of Parl. Scotl.* iii. 541.) It is evident that this Act is not without ambiguity. The case when, as happened in Aberdeen, the Commissioner was in the town, but refused to name a place and time, is not provided for. But the King took up ground which was plainly untenable when he spoke of the prorogation of 1604 as being one which the ministers were bound to attend to, as if it had been in accordance with the Act of 1592. The answer was, of course, that it had not been declared by the King or Commissioner present in an Assembly.—Forbes, *Records*, 452.

pendently of the authority of the State, what was to be substituted for them? Was their claim of Divine right to be met by calm deliberation, and by unswerving justice, allowing liberty of action wherever liberty was possible; or by an exhibition of petty intrigues resting upon the support of brute force? In other words, did James appear as the standard-bearer of law and order against ecclesiastical anarchy, or was he clothing, ignorantly or knowingly, his own arbitrary will in the forms of political wisdom? In reality it was James himself who was on his trial, not the prisoners at the bar.

1606. The trial to be at Linlithgow.

The proceedings did not commence in a very promising manner. It was necessary to remove the place of trial from Edinburgh to Linlithgow, lest the Chancellor and his associates should be unable to carry out their purpose in the face of a population which sympathised strongly with the ministers.[1] On the morning of January 10, the six who were confined at Blackness were hurried before the Council at Linlithgow, and, after all efforts had been made in vain to induce them to withdraw their declinature, were ordered to prepare for trial.

Criminal trials in England were not to be regarded at this period as models of justice, but it is certain that the most subservient judge who had ever sat upon the English Bench would have been shocked at the manner in which preparations were made for procuring a verdict against the ministers. Dunbar began by tampering with the judges. He plainly told them that if they did what he called their duty, they might expect to enjoy the favour of the King; but that, on the other hand, if they failed in satisfying him, certain disgrace and punishment would overtake them. He then addressed himself to packing a jury, knowing well that unless extraordinary precautions were taken he would fail in his object. At last he found fifteen men amongst his own friends and relations who, as he hoped, would serve his purpose. To make everything sure, he finally filled the town with his followers, who would be ready to prevent any attempt to rescue the prisoners, and who might also serve the

[1] Forbes, *Records*, 452.

purpose of overawing the Court, in case that, even constituted as it was, it might by some chance show a spirit of independence.[1] As if this were not enough, it was arranged that the Lords of the Council themselves, whose jurisdiction was impeached, should sit as assessors on the Court, to assist in judging their own case.

Decision of the question of law.

The question of law was argued before the jury were admitted into court. The pleadings turned upon purely legal points, as to the interpretation of words in certain Acts of Parliament, and upon the extent to which the Act of 1584 was repealed by the Act of 1592. In these discussions there is no interest whatever. They barely touch upon the great questions at issue, and there can be no doubt that the decision which was finally given against the prisoners had been settled beforehand.

The jury admitted.

When this part of the trial had been brought to a conclusion, the jury was admitted. As soon as they appeared, they were addressed by Sir Thomas Hamilton, the Lord Advocate. He told them that it had been already settled by the court that the declinature of members was treasonable, and that all that was left to the jury was to find whether the declinature had proceeded from the prisoners or not. He assured them that the document which he produced was in the handwriting of the ministers; there could therefore be no difficulty in bringing in the verdict for which he asked. He concluded by telling the jury that if they acquitted the prisoners they must expect to be called in question for their wilful error, by which their own lives and property would be endangered.

Forbes's speech.

In spite of the opposition of the prisoner's counsel, the jury were being sent out of court to consider the verdict, when Forbes asked to be allowed to address them in the name of his brethren. Having obtained permission he went over the whole story of his supposed offence in words which must have gone to the hearts of all who were not utterly deaf to the voice of a true man speaking for his life. After

[1] Sir T. Hamilton to the King, Dalrymple's *Memorials*, 1.

protesting that Straiton's story of the proclamation at the Market Cross of Aberdeen was utterly false from beginning to end, he showed that the direction of the Council's letter by which the ministers assembled at Aberdeen were required to disperse, was enough to prove that that meeting was regarded as a lawful Assembly by the very Council which had afterwards called them to account. The only point in which the ministers had been disobedient was in refusing to dissolve the Assembly without appointing time or place for the next meeting. In doing this he asserted that they had acted in accordance with the laws of the kingdom as well as of the Church. The truth was that they were brought into danger in order to support the pretensions of the Commissioners of the Assembly, who were labouring to introduce the Romish hierarchy in place of the Church and Kingdom of Christ. He reminded the jurors that they had all of them subscribed to the confession of faith, and had sworn to maintain the discipline of the Church, and he adjured them to judge on that day as they would be judged when they were called to render an account to God of the oath which they had sworn.

Welsh's speech.

After some altercation between Forbes and the Lord Advocate, Welsh addressed the jury. He spoke even more strongly than Forbes had done of the sole right of the Church to judge of ecclesiastical questions. As soon as he had finished, Hamilton told the jury that they ought not to be moved by what they had just heard, and, after admonishing them to perform their duty, he concluded by again threatening them with punishment if they refused to find a verdict against the prisoners. On the conclusion of this address, Forbes read a passage out of the covenant in which King and people had once united to protest their devotion to the Protestant faith; and then turning to Dunbar requested him to remind the King of the punishment which had overtaken Saul for his breach of the covenant which had been made with the Gibeonites, and to warn him lest a similar judgment should befall him and his posterity if he broke that covenant to which he had sworn. After this, as the other prisoners declared it to be unnecessary to add

anything to that which had been already said, the jury were ordered to retire to consider their verdict.

Then was seen the effect which earnest words can have even upon men who have been brought together for the express reason that they were unlikely to sympathise with the prisoners. The jury, packed as it had been, began to doubt what the verdict was to be. One of them begged that some one else might be substituted in his place. Another asked for more information on the point at issue. A third begged for delay. When all these requests had been refused, they left the court. As soon as they had met together, it was found that they were inclined to brave all threats and to acquit the prisoners. The foreman of the jury, Stewart of Craighall, being himself liable to the penalties of the law, did not dare to oppose the will of the Council. He accordingly, as soon as he found what was the opinion of the majority, went back into the court, together with the Lord Justice Clerk, who had been illegally present in the jury room, and warned the judges what was likely to be the result. The Councillors, in order to save their credit, made one more attempt to persuade the prisoners to withdraw their declinature. Having failed to produce any effect, they not only tried what could be done by again threatening the jury, but they sent some of their number in to assure them that they would do no harm to the prisoners by convicting them, as the King had no intention of pushing matters to extremes, and only wished to have the credit of a verdict on his side, in order to proceed to bring about a pacification with greater likelihood of success. Influenced by these threats and promises, nine out of the fifteen gave way, and the verdict of guilty was pronounced by the majority which, according to the law of Scotland, was sufficient for the purpose. The sentence was deferred till the King's pleasure should be known.[1]

The jury consider their verdict.

The prisoners pronounced guilty.

Such a victory was equivalent to a defeat. If the power of the King was established too firmly by means of his coalition

[1] Forbes, *Records*, 455–496.

with the nobility to make it likely that any actual danger was to be apprehended, he had at least notified to all who cared for honesty and truthfulness that it was only by falsehood and trickery that he had succeeded in establishing his claims. From henceforward it would be unnecessary to go into any elaborate argument in favour of the independence of the Church Courts. It would be sufficient to point to the trial at Linlithgow, and to ask whether that was the kind of justice which was so much better than that which was dispensed in the Ecclesiastical Courts. So strong was the general feeling on the subject, that when James wrote to the Council pressing them to bring to a trial the remaining ministers who had also signed the declinature, he received a reply informing him that it was very improbable that such a course would be attended with any good result, and recommending him to drop the prosecution in order to avoid an acquittal.[1]

Effect of the trial.

In the whole course of James's reign there is not one of his actions which brings out so distinctly the very worst side of his character. There can be no doubt that he really believed that he was justified in what he was doing, and that he blinded himself to the radical injustice of his proceedings, and to the scandalous means by which his objects were effected. He began by fancying that the ministers had acted illegally, and then read every law or principle to which they appealed through the coloured spectacles of his own feelings and interests. To any knowledge of the true solution of the really difficult questions which were involved in the dispute, he never had the slightest pretensions, excepting in his own eyes and in those of his courtiers.

The six ministers remained for some months in prison. At last, in October, they were condemned to perpetual banishment. As they went down to the boat, at Leith, which was to carry them away in the darkness of the night, the people, who crowded down to the beach to see them go, heard them singing the twenty-third Psalm. They had passed through the valley of the shadow of death, and had feared no evil. In prison and in banishment He who

Banishment of the six ministers.

[1] Botfield, *Original Letters*, i. 360* ; and note to p. 363*.

had been their shepherd suffered them not to want. They, too, deserve the name of Pilgrim Fathers. Earthly hope they had none ; they went not forth to found an empire beyond the seas ; they went forth to spend the last days of their weary pilgrimage in foreign lands. But their work was not there : it was in the hearts of their Scottish countrymen, to whom they had at the peril of their lives borne testimony to the truth. They had done their part to build up the Church and nation, which neither James nor his Council would be able to enslave for ever.

Imprisonment of the other eight.

Eight other ministers, who also refused to retract their declinature, were exiled to various places on the coast and islands of Scotland.[1]

The Linlithgow trial had brought clearly before the eyes of the nation the real worth of the judicial institutions of the country. It remained to be seen whether its legislative body was any more fit to call the General Assembly to account. Whatever may have been the intentions of the King during the first years of his reign in England, there can be no doubt that he was now bent upon bringing the clergy under his feet by restoring to the Bishops their jurisdiction. He accordingly summoned a Parliament to meet at Perth in July, in order to pass an Act for the restitution to the Bishops of the property of their sees which had been formally annexed to the Crown. It was notorious that many of the nobility looked askance upon the new Bishops. But their opposition was not of a nature to hold out against those arguments which the Government was able to use. With the conscientious hatred of Episcopacy which animated the Presbyterians, they had nothing in common ; all that they felt was a mere dislike of the rise of an order which might vie in wealth and influence with themselves. With such men as these it was easy to strike a bargain. Let them assent to the repeal of the Act of Annexation, by which so much of the Church land had been declared to be Crown property, and if the King were allowed to use some of it to endow his new Bishops, he would carve out of it no less than seventeen temporal lordships for

The Parliament at Perth.

[1] Acts of the Privy Council, Botfield, *Original Letters*, i. 368*.

the nobility.[1] Such arguments as these were unanswerable The Parliament speedily passed the Acts which gave permission for the change, and added another, declaring that the King's authority was supreme 'over all estates, persons, and causes whatsoever.'[2]

Position of the Bishops.

The position occupied by James's Bishops was unique in the history of Episcopacy. There have been instances in which laymen have borne the title of Bishop, and there have been instances in which Bishops have passed gradually from the exercise of purely spiritual functions to the enjoyment of temporal jurisdiction ; but nowhere, excepting in Scotland, has a class of ministers existed who were clothed in all the outward pomp and importance of temporal lordships, whilst they were without any ecclesiastical authority whatever. Such a state of things was too ridiculous to continue long. Any attempt to rule the Church by means of the subservient courts of law, and the half-careless, half-corrupt Parliaments, was certain in the long run to prove a failure. Everything tended to make James more determined to give real authority to his Bishops, or, in other words, to himself.

James determines to give them ecclesiastical authority.

But if this was to be accomplished, James shrank from carrying out his purpose by a simple act of authority. To do him justice, when a scheme of this kind came into his head, he always contrived to persuade himself that it was impossible for anyone to oppose it excepting from factious or interested motives. Just as to the end of his life he continued to believe that the English House of Commons misrepresented the loyal feelings of the nation, he now believed that the dislike of Bishops was confined to a few turbulent resisters of all authority. And such was his opinion of the justice of his cause and of the force of his own arguments, that he flattered himself with the notion that even those who had hitherto resisted his wishes must give way if he could once be brought face to face with them.

[1] Melville's *Diary*, 640. Council to James, July 4, 1606, *Melros Papers*, (Abbotsford Club), 15.

[2] *Acts of Parl. Scotl.* iv. 280.

In a proclamation issued in the preceding autumn,[1] the King had declared that he intended to make no alteration in the government of the Church, excepting with the advice of those whom he called the wisest and best of the clergy; and he accordingly directed that a General Assembly should be held at Dundee in July. In February he sent round five questions to all the Synods, intended to induce them to give their assent to an acknowledgment of the King's authority in calling the Assemblies, and to promise to support the Commissioners, leaving untouched the position of the Bishops.[2] Failing to obtain any satisfactory answer, he wrote to eight of the principal ministers still remaining at liberty, in the number of whom both Andrew Melville and his nephew James were included, directing them to present themselves in London on September 15, in order to discuss the question at issue between the ministers and the Crown. In spite of their disinclination to enter upon a discussion which they knew to be useless, they consented to comply with the request. Their first conference with the King was held on September 22, in the presence of several members of the Scottish Council, and of some of the Bishops and other ministers who were favourable to the claims of the King. They found that they were required, as a preliminary step, to give an opinion on the lawfulness of the Assembly at Aberdeen. As anyone but James would have foreseen, it was to no purpose that arguments were addressed to them to prove the correctness of the King's view of the case, or that they were called upon to listen, day after day, to polemical sermons from the most distinguished preachers of the Church of England. They refused to part with their conviction on this point, or to allow that there was any possible way of pacifying the Church of Scotland, excepting by the convocation of a free General Assembly. Upon discovering that his logic had been expended upon them in vain, James resorted to the disgraceful

1605. Sept. 26.

1606. Questions put to the Synods.

Conference at Hampton Court.

[1] *Calderwood*, vi. 338.

[2] *Ibid.*, vi. 391–396. The second of the two copies given is probably the authentic one. Compare the notices of it at pp. 477, 571.

expedient of ordering the men who had come up to England on the faith of his invitation, to be committed to custody. It was not long before a circumstance occurred which gave him an excuse for severer measures. An epigram was put into his hands which had been written by Andrew Melville, on what seemed to him the Popish ceremonies practised in the King's Chapel at one of the services which he had been compelled to attend.[1] The verses had not been put in circulation, nor was it intended that they should be; but James, glad of an opportunity of revenging himself upon the man whom he detested, ordered him to be brought before the Privy Council. When there, Melville, amidst the taunting words of the members of this unsympathising tribunal, with a not unnatural ebullition of impatience, turned fiercely upon Bancroft who had charged him with something very like treason, and reminding him of all his real and supposed faults, ended his invective by telling him, as he shook one of his lawn sleeves, that these were Romish rags, and part of the mark of the beast. Such a scene had never before occurred in the decorous Council Chamber at Whitehall, and the Lords were not likely to leave it unnoticed. He was committed by them to the custody of the Dean of St. Paul's, from whence he was, after another examination, transferred to the Tower. There he remained a prisoner for four years, till he was allowed to leave England at the request of the Duke of Bouillon, in whose University at Sedan he passed the remaining years of his life as Professor of Divinity. His nephew, whose sole crime was his refusal to acknowledge the King's ecclesiastical supremacy, was sent into confinement at Newcastle. The six other ministers were relegated to different parts of Scotland.

Melville's verses.

Nov. 30. His imprisonment

and banishment.

Treatment of the other ministers.

[1] "Cur stant clausi Anglis libri duo regiâ in arâ,
Lumina cæca duo, pollubra sicca duo?
Num sensum cultumque Dei tenet Anglia clausum
Lumine cæca suo, sorde sepulta suâ?
Romano an ritu dum regalem instruit aram,
Purpuream pingit religiosa lupam?"

The cycle of injustice was now complete. In the course of one short year the judicature, the Parliament, and the King had proved to demonstration that they were not in a position to demand of the Church the surrender of her independence. In theory, the view taken by James in protesting against the claim of the clergy to exclusive privileges approached more nearly to those which are very generally accepted in our own day, than do those which were put forward by Melville and Forbes. But that which is yielded to the solemn voice of the law may well be refused to the wilfulness of arbitrary power.

As yet, James did not venture upon proposing to introduce a copy of the English Episcopacy into Scotland ; but he determined to make an effort to bring the Bishops whom he had nominated into some connection with the working machinery of the Church. There can be no doubt that, in detaining the eight ministers in England, he had been as much influenced by the hope of depriving the Scotch clergy of their support, as by the annoyance which he felt at their pertinacious resistance. But even at a time when no less than twenty-two of the leading ministers had been driven away from the scenes of their labours, he did not venture to summon a freely chosen Assembly, with the intention of asking it to surrender into the hands of the Bishops the least fraction of the powers which had hitherto been possessed by the Presbyteries and Assemblies of the Church. He had, in consequence, again prorogued the Assembly, which was to have met in the course of the summer.

James's plan of Constant Moderators.

Still, however, some means must be taken to cloak the usurpation which he meditated. He issued summonses to the various Presbyteries, calling upon them to send to Linlithgow certain ministers who were nominated by himself, in order that they might confer with some of the nobility and of the officers of state, on the best means to repress the progress of Popery, and that they might determine upon the means which were to be taken for the preservation of the peace of the Church. On December 13, 1606, this assembly of nominees met, according to the King's directions ; and though the members at first showed some signs of inde-

The Linlithgow Convention.

pendence, they were in the end, by the skilful management of the Earl of Dunbar, brought to agree to all that was proposed to them. The chief concession obtained was, that in order that there might be an official always ready to counteract the designs of the Catholics, a 'Constant Moderator,' who might be entrusted with this permanent duty, should be substituted in all the Presbyteries for the Moderators who had hitherto been elected at each meeting. In the same way the Synods, or Provincial Assemblies, were also to be provided with permanent Moderators. Whenever a vacancy occurred, the Moderators of the Presbyteries were to be chosen by the Synod to which the Presbytery belonged. The Synod was itself to be presided over by any Bishop who might be acting as Moderator of any of the Presbyteries within its bounds, and it was only to be allowed to elect its own Moderator in cases where no Bishop was thus to be obtained. The Moderators, however, were to be liable to censure, and even to deprivation, in the Church courts. This arrangement, such as it was, was not to come into action at once. The first list of Moderators of all the Presbyteries in Scotland was drawn up by the Linlithgow Convention, and in it were to be found the names of all the Bishops for the Presbyteries in which they resided.[1]

This Act left, indeed, the whole machinery of Presbyterianism in full action. But it accustomed the clergy to see the nominees of the Crown presiding in their courts, and might easily lead the way to fresh encroachments. It was hardly likely, however, that the decisions of this irregular Convention would be universally accepted as equal in authority to those of a free Assembly. It was soon found that resistance was to be expected, and the determination to resist was strengthened by a report which was generally circulated, to the effect that the Act of the Convention had been surreptitiously altered by the King, a report which gained increased credence from the circumstance that some of the ministers had in vain attempted to gain a sight of the original document.

James, however, determined to carry his scheme into effect

[1] *Calderwood*, vi. 601.

in spite of all opposition. On January 17, 1607, an order was issued to all the Presbyteries, admonishing them to accept the Moderators on pain of being declared guilty of rebellion. The same threat was held over the head of those Moderators who might be unwilling to accept the post to which they had been appointed. Some gave way before superior force, but others refused to obey the command. In the Synods the resistance was still stronger, as it was believed that the order to admit the Bishops as Moderators over these large assemblies had been improperly added to the Acts of the Convention. One Synod only, that of Angus, submitted at once to the change. It was only after a prolonged resistance that the others gave way to commands which they knew themselves to be unable to resist.

1607. The Moderators forced on the Church.

James had thus secured most of the objects at which he aimed. Driven, by the pertinacity of the ministers who had met at Aberdeen, to abandon his scheme of leaving the Scottish Church without any organization at all, he had fallen back on his older plan of giving it an organization which would to a great extent subject it to his own control. Presbyteries and Synods and General Assemblies were to meet as in the olden days, but they would meet under the presidence of Moderators appointed by himself, and in the Synods that Moderator would almost always be a person who bore the name of Bishop. It was not likely that James would stop here, and he had little more to do to give to the Bishops the presidency by right. Yet even what he had done had been enough to put an end to that collision between the ecclesiastical and the civil powers which had threatened danger to the State.

Success of the King.

Unhappily the means to which James owed his victory brought discredit upon the cause in which he was engaged. There had been no little chicanery in his interpretation or evasion of the law, and the fact that his main supporters, Dunfermline and Balmerino, were Catholics, undoubtedly injured him in the estimation of the Protestants of Scotland. Yet, after every admission is made, it is undeniable that, ever since the tumult in Edinburgh in 1596, there had

Causes of his success.

been a considerable want of animation on the part of those classes on whom the Presbyterian clergy depended for support. What opposition there had been, came almost entirely from the ministers themselves. Not only were the great nobles, with one or two exceptions, banded together against them as one man, but the lesser gentry, and even the boroughs, were lukewarm in their cause.

The explanation of this change of feeling is not very difficult to find. In the first place the cause of Presbyterianism was no longer connected with resistance to foreign interference, with regard to which Scotchmen have at all times been so sensitive. In the early part of James's reign the ministers could appeal to the nation against the intrigues of France. At a later period, it was the dread of a Spanish invasion which gave point to their invectives against the northern earls. But with Huntly's defeat, in 1595, all this was at an end. If for a short time it was still supposed that Huntly and Errol were likely to renew their invitations to the Spanish Court, all suspicions of such behaviour on their part quickly died away, and the question between the King and the clergy could be treated as a mere matter of internal policy with which national prejudices had nothing whatever to do.

Nor were the King's innovations of such a nature as to provoke opposition from the ordinary members of Scottish congregations. The same sermons were likely to be preached by the same men, whether the General Assembly or the King got the upper hand. The proceedings of the Kirk-sessions were carried on exactly as before. There was, above all, nothing which addressed the eye in the changes which had been brought about. Men who would have been horror-struck at such alterations as those which were afterwards carried out in England by the authority of Laud, looked on with indifference as long as they saw the old familiar services conducted as they had been accustomed to see them conducted in their boyhood. To superficial observers—and in no age or country is their number a limited one—the question at issue was merely one of jurisdiction, by which the integrity of the Gospel was not in any way affected.

The real evil lay rather in that which might be done, than in that which had actually taken place. Neither the General Assembly nor the Parliament could claim to be a fair representation of the Scottish nation, because that nation was too deeply cleft asunder to have any real representation at all. Under such circumstances, the King was the sole representative of unity. As long as he acted as a reconciler he might go on his path unmolested, but if he, or his successor, should at any time cease to be content with keeping the peace, and should proceed to try the temper of the people by the introduction of changes in their mode of worship, he might excite an opposition which he would find it hard to control. If a national feeling were aroused against him, it would find an outlet either in the Assembly or in Parliament—perhaps in both combined.

It is not unlikely that these proceedings in Scotland may have had some effect upon the minds of the members of the English House of Commons, when they were called on to take the first steps in drawing closer the bonds of union with a country in which the forms of justice were so abused as they had been in the condemnation of Forbes and his brother ministers. The session which opened on November 18, 1606, was understood to be devoted to the consideration of the proposals which had been made by the Commissioners appointed from both countries. Those proposals had been framed with a due regard for the susceptibilities of the two nations. On two of them but little difference of opinion was likely to arise. It could hardly be doubted that it was expedient to repeal those laws by which either country had taken precautions against hostile attacks from the other, or that some arrangement ought to be made for the mutual extradition of criminals.

1606. Nov. 18. Opening of the English Parliament.

The Report of the Commissioners for the Union.

The other two points were far more likely to give rise to opposition. The most essential measures by which the prosperity of the two kingdoms could be insured, were the establishment of freedom of commercial intercourse between them, and the naturalisation in each of them of the natives of the other.

After mature deliberation, the Commissioners had determined to recommend that certain productions of each country should not be allowed to be exported to the other. The English were afraid of a rise in the price of cloth, if their sheep-farmers were permitted to send their wool to be manufactured in Scotland ; and the Scotch were equally alarmed at the prospect of high prices for meat, if their cattle could be driven across the Tweed to a more profitable market than Edinburgh or Perth could offer. With these and two or three other exceptions, the whole commerce of the two countries was to be placed on an equal footing. The Scotchman was to be allowed to sell his goods in London as freely as he could in Edinburgh ; and he was to be permitted to take part in those commercial enterprises upon which so much of the prosperity of England was already founded. A similar liberty was to be granted to Englishmen in Scotland ; though, for the present, at least, its value would be merely nominal.

Commercial union.

A commercial union of this description made it necessary to take into consideration the question of naturalisation. Unfortunately, it was impossible to avoid touching upon political difficulties. The best course would have been to have naturalised entirely, in each kingdom, all persons born in the other, but to have incapacitated them, at least for a certain time, from holding any high official position. There would have been less difficulty in drawing up a measure of this kind, as, of the six Scotchmen who had been sworn into the English Privy Council soon after the accession of James, all except one had been already naturalised by Act of Parliament,[1] and might fairly have been regarded as exceptions from the rule which was to be proposed.

Naturalisation.

The question was, however, complicated by a distinction drawn by the legal authorities who were consulted[2] by the

[1] Sir James Elphinstone (afterwards Lord Balmerino), the Duke of Lennox, the Earl of Mar, Sir George Hume (afterwards Earl of Dunbar), and Lord Kinloss, were naturalised in the first session of the reign.

[2] Opinions of the law officers of the Crown, Nov. 16, 1604, *S. P. Dom.* x. 75. In this opinion Popham, Fleming, and Coke concurred.

Commissioners. They declared that by the common law of England, the Post-nati (as those who were born in Scotland after the accession of James were technically called) were as little to be regarded as aliens as if they had been born in Exeter or York. They were born within the King's allegiance, and they must be regarded as his subjects as far as his dominions extended. The Ante-nati, or those born before the King's accession, on the other hand, did not obtain this privilege. The Commissioners, therefore, proposed a declaratory Act pronouncing the Post-nati, in either kingdom, to be possessed of all the privileges of natives of the other. They also advised that the same rights should be communicated to the Ante-nati by statute. The question of the reservation of the high offices of state was beset with still greater difficulties. If the Commissioners had been left to themselves, they would probably have recommended that the Ante-nati should be incapacitated from holding these dignities, whilst the Post-nati should be entitled to accept them. This would, at all events, have thrown back the difficulty for at least twenty years. By that time the chief reasons for apprehending evil consequences from the measure would have ceased to exist. After twenty years of close commercial intercourse, the two peoples would have become assimilated to one another ; the generation which had been growing up in Scotland since 1603 would be strangers to James, and would be still greater strangers to his successor. By that time the favourites of the Sovereign would be Englishmen. If it would be still possible for the King to swamp the House of Lords and the public offices with Scotchmen, who might be supposed to feel no especial regard for the English Constitution, it would also be possible for him to find Englishmen who would be equally ready to support him in his claims. In fact, the event proved that the danger which threatened the Constitution did not arise from the possible extension of the area from which officials could be selected, but from the want of control which Parliament was able to exercise over the officials after their selection by the King. When Charles I. wished to find a Strafford or a Laud, it was not necessary for him to go in search of him beyond the Tweed.

It is possible that if the Commissioners had followed their own judgment they might have seen their recommendations pass into law, in spite of the prejudices by which they were certain to be assailed in the House of Commons. But, unfortunately, in order to carry out this proposal, it was necessary to interfere with one of the prerogatives of the Crown; and when James heard that his prerogative was to be touched, he was sure to take alarm, and to do battle for a shadow even more strenuously than he was ready to contend for the substance. In this case the difficulty lay in the acknowledged right of the Crown to issue letters of denization to aliens, by which all the rights of naturalisation might be conferred, excepting that of inheriting landed property in England. Although, however, a denizen might not inherit land, he was capable of holding it by grant or purchase, and of transmitting it to his descendants. He was also capable of holding all offices under the Crown. James protested, no doubt with perfect sincerity at the time, that he had no desire 'to confer any office of the Crown, any office of judicature, place, voice, or office in Parliament, of either kingdom, upon the subjects of the other born before the decease of Elizabeth.'[1] Under these circumstances, a sensible man would have gladly allowed a clause to be inserted, depriving him of the power of granting such offices by letters of denization to the Ante-nati. Even then he would still have been able to enrich any new Scottish favourites by gifts of money, and to those who were already naturalised he might assign as much more land as he pleased. Unluckily, James considered that he would be disgraced by such an attack upon his prerogative. The plan which he adopted had, at least, the merit of ingenuity: he agreed to the proposal of the Commissioners to refuse to the Ante-nati the right of holding offices, but he also required that the future Act of naturalisation should contain a distinct recognition of his right to issue letters of denization, and thus to break through those very restrictions which the House was to be asked to impose; though at the same time he gave a promise that he would make no use of this right of which he was so eager to obtain the acknowledgment.

[1] *C. J.* i. 323. The King to Cranborne, Nov. 24, 1604, *S. P. Dom.* x. 40. i.

It is strange that he did not foresee that the House of Commons would regard such a proposal as this with indignation, and would look upon it as an attempt to delude them with specious words.

James, unfortunately, was incapable of bridling his tongue, When he addressed the Houses on the first day of the session, he entered upon a long attack upon the conduct of those who had prepared the Petition of Grievances at the end of the last session, even though he acknowledged that he had found some of the requests made to be worthy of attention In treating of the Union he was no less injudicious. On this question he was far in advance of the average English opinion. He foresaw the benefits which would accrue to both nations from a complete amalgamation, and he was not unnaturally impatient of the conservative timidity of the Commons, which dreaded each step into the unknown. Yet he would have been far more likely to secure his immediate object if he had been less conspicuously open, and had avoided showing to the world his eagerness for a far closer amalgamation than that to which the assent of Parliament was now invited. "Therefore, now," he said, after recounting the benefits to be expected, "let that which hath been sought so much, and so long, and so often, by blood, and by fire, and by the sword, now it is brought and wrought by the hand of God, be embraced and received by a hallelujah ; and let it be as Wales was, and as all the Heptarchy was, united to England, as the principal ; and let all at last be compounded and united into one kingdom. And since the crown, the sceptre, and justice, and law, and all is resident and reposed here, there can be no fear to this nation, but that they shall ever continue continual friends ; and shall ever acknowledge one Church and one king, and be joined in a perpetual marriage, for the peace and prosperity of both nations, and for the honour of their King."

The King's speech.

We can appreciate the prescience of such words now. When they were uttered, they must have raised strange questionings in the minds of the hearers. What, they may well have asked, was this one law and one Church in which they were invited to participate? Were they not asked to abandon

some of the rights of Englishmen, and, what was quite as much to the point, to sacrifice some of the interests of Englishmen?

So preoccupied were the Commons with the question of the Union, that the King's answer to their grievances was allowed to pass unchallenged. On the 21st the Report of the Commissioners of the Union was read. At once a storm of opposition arose amongst the English merchants against the proposal to set free the commerce of the two countries. The merchants declared that they would certainly be ruined by the competition with which they were threatened. Scotchmen would come in and out of England; they would always be in the way when they wanted to drive a bargain; but as soon as the time came round when taxes and subsidies were to be demanded, they would slip over the border, leaving the burden upon the shoulders of their English rivals. There were quite enough Englishmen engaged in the trading companies, and it was most undesirable that Scotchmen should rob them of their livelihood. To these and similar complaints the Scottish merchants had no difficulty in replying. They received the support of Salisbury, who, if he did not regard the Union with any great enthusiasm, had, at all events, too much sense to be led away by the fallacies by which it was assailed.[1]

Nov. 19. The answer to the grievances.

Debates on commercial intercourse.

The feeling of the merchants found expression in the House of Commons. That House agreed, as a matter of course, to abolish the hostile laws; but though they were ready enough to protest against the monopoly of the trading companies, they looked with prejudiced eyes upon the principle of commercial freedom when it seemed to tell against themselves. On December 17, a scene occurred at a conference with the Lords which augured ill for the success of the measure. The staid Lord Chancellor scolded the merchants for the petition which they had drawn up against the Union. Fuller, in his rash, headlong way, said that the Scotch were pedlers rather than merchants. For this speech he was taken to task by the Lords, who told the Commons that, if they did not

[1] Objections of the Merchants of London, with Answers by Salisbury and the Scottish Merchants, *S. P. Dom.* xxiv. 3, 4, 5.

yield with a good grace, the King would take the matter in hand, and would carry out the Union by his own authority. Under these circumstances the House gave way, so far as to accept certain starting-points which might serve for the heads of a future Bill, though it refused to give to them its formal adhesion.[1] Upon this Parliament was adjourned to February 10.

A few days after the reassembling of the House, Sir Christopher Pigott, who had been chosen to succeed to the vacancy in the representation of Buckinghamshire caused by the resignation of Sir Francis Goodwin, poured forth a torrent of abuse against the whole Scottish nation. He said that they were beggars, rebels, and traitors. There had not been a single King of Scotland who had not been murdered by his subjects. It was as reasonable to unite Scotland and England as it would be to place a prisoner at the bar upon an equal footing with a judge upon the bench.[2] No expression of displeasure was heard, and though this silence is attributed in the journals to the astonishment of his hearers, there can be little doubt that they secretly sympathised with the speaker. Their temper cannot have been improved by the knowledge that the King had determined to make use of 44,000*l.* out of the subsidies which they had so recently granted, in paying the debts of three of his favourites. The fact that two of these, Lord Hay[3] and Lord Haddington, were Scotchmen, must have increased the disgust with which the prodigality of the King was regarded in the House of Commons.[4]

Feb. 13. Sir Christopher Pigott's speech.

The next day James heard what had passed. He immediately sent for Salisbury, and after rating him for not giving him earlier information, and for having allowed Pigott to go so long unpunished, he summoned the Council, and commanded

[1] Report in *C. J.* i. 332. Carleton to Chamberlain, Dec. 18, 1606, *S. P. Dom.* xxiv. 23.

[2] *C. J.* i. 333. Boderie to Puisieux, $\frac{\text{Feb. 19,}}{\text{March 1,}}$ 1607, *Ambassades*, ii. 87.

[3] He had been created a baron without the right of sitting in Parliament, no doubt in order not to prejudice Parliament against the King's proposals.

[4] Chamberlain to Carleton, Feb. 6, 1607, *S. P. Dom.* xxvi. 45.

them to take immediate steps for bringing the delinquent to justice.

The Commons, on hearing what had taken place in the Council, determined to deal with the matter themselves. They excused themselves for taking no steps at the time on the plea that it was not well to answer a fool according to his folly. After some debate, they resolved that Pigott, being a member of the House, was not liable to be called in question elsewhere. They then ordered that he should be expelled the House and committed to the Tower. In less than a fortnight, he was released upon the plea of ill-health.

Meanwhile, the House had commenced the discussion of the important question of naturalisation. On February 14, the debate was opened by Fuller. He compared England to a rich pasture, which was threatened with an irruption of a herd of famished cattle. He proceeded to draw a most desponding picture of the state of the country. There was not sufficient preferment for the numbers of scholars who crowded to the Universities. The inhabitants of London were already far too numerous. The existing trade did not suffice for the support of the merchants who attempted to live by it. If this was a true account of the evils under which the country was labouring, how could room be found for the impending invasion from the North? He then asked, in language which never failed in meeting with a response in the House of Commons, whether this docrine of the naturalisation of the rising generation of Scots by the mere fact of their being born under the dominion of the King were really according to law. This theory made matters of the greatest importance depend not upon the law, but upon the person of the Sovereign. The consequences of such a doctrine would be fatal. If Philip and Mary had left a son, that son would have inherited the dominions of both his parents, and would have naturalised the Spaniards and the Sicilians in England, without any reference to Parliament. What might have happened fifty years before, might always happen at any moment under similar circumstances.[1]

Debates on naturalisation.

Fuller's speech.

Feb. 14.

[1] *C. J.* i. 334.

The debate was resumed on the 17th. Towards the close of the sitting, Bacon rose to answer the objections which had been made. He was, perhaps, the only man in England besides the King who was really enthusiastic in support of the Union. He had meditated on it long and deeply. He had occupied a prominent position in the debates upon the subject in 1604. He had written more than one paper[1] in which he laid his views before the King. He had taken a leading part as one of the Commissioners by whom the scheme which was now before the House had been produced. To the part which he then took he always looked back with satisfaction. Only once in the Essays which form one of his titles to fame, did he recur to events in which he had himself been engaged, and that single reference was to the Commission of the Union.[2] He would himself, perhaps, have been willing to go even further than his fellow-commissioners had thought proper to go. Like James, he looked forward hopefully to the day when one Parliament should meet on behalf of both countries, and when one law should govern the two nations; and he hoped that that law might be made consonant with the truest dictates of justice. He knew, indeed, that there was little prospect of such a result in his own day, but he was desirous that a beginning at least should be made.

Feb. 17. Bacon replies.

These views he still held, but he had learnt that they were far beyond anything which he could expect to accomplish. He contented himself,[3] in reply to Fuller, with advocating the measure before the House. He adjured his hearers to raise their minds above all private considerations and petty prejudices, and to look upon the proposed change with the eyes of statesmen. It had been said that England would be inundated with new comers, and that there would not be sufficient provision for the children of the soil. He answered that no such incursion was to be expected. Men were not to be moved as easily as cattle. If a stranger brought with him no means of his own, and had

[1] 'A Brief Discourse of the happy Union,' &c. 'Certain Articles or Considerations touching the Union.' *Letters and Life*, iii. 90, 218.

[2] Essay on Counsel.

[3] Bacon's speech. *Letters and Life*, iii. 307.

no way of supporting himself in the country to which he came, he would starve. But even if this were not the case, he denied that England was fully peopled. The country could with ease support a larger population than it had ever yet known. Fens, commons, and wastes were crying out for the hand of the cultivator. If they were too little, the sea was open. Commerce would give support to thousands. Ireland was waiting for colonists to till it, and the solitude of Virginia was crying aloud for inhabitants.[1] To the objection that it was unfair to unite poor Scotland to rich England, he replied that it was well that the difference consisted 'but in the external goods of fortune; for, indeed, it must be confessed that for, the goods of the mind and the body they are' our other 'selves; for to do them but right,' it was well known 'that in their capacities and understandings they are a people ingenious; in labour, industrious; in courage, valiant; in body, hard, active, and comely.' The advantages of a union with such a people were not to be measured by the amount of money they might have in their pockets. With respect to the legal part of the question, he expressed himself satisfied that the Post-nati were already naturalised; but he thought it advisable that this should be declared by statute. He concluded by pointing out the dangers which might ensue if the present proposals were rejected. Quarrels might break out, and estrangement, and even separation might follow. If, on the other hand, the House would put all prejudices aside, they would make the United Kingdom to be the greatest monarchy which the world had ever seen.

Admirable as this argument was, and conclusively as it met all the objections which had been raised by the prejudices of the time, it is plain that there was one part of Fuller's speech which it left wholly unanswered. If England and Scotland were called upon to unite because all persons born after the King's accession were born within the King's allegiance, why might not Spain and England be called upon to unite under similar circumstances? Bacon and the judges might repeat as often as they pleased that the naturalisa-

One point passed over by Bacon.

[1] The allusion to Virginia is not in the printed speech, but is to be found in the Journals.

tion of the Post-nati was in accordance with the law; the common-sense of the House of Commons told them that it ought not to be so. Since the precedents had occurred, upon which the judges rested their opinion, circumstances had changed. In the thirteenth and fourteenth centuries the ties of allegiance had been much stronger, and the ties of nationality much weaker, than they afterwards became. If, however, the Commons had been ready to make their acceptance of the Union contingent upon the King's assent to an Act declaring that, in all future cases, naturalisation should not follow mere allegiance, they would probably have found no difficulty with James. But they were alarmed lest the concession of English privileges to the Post-nati should be unaccompanied by the subjection of the Post-nati to English law. In the conference which ensued,[1] Sir Edwin Sandys argued the question from the Commons' point of view. He boldly declared that times were changed, and that the precedents were of no avail under the altered circumstances, and he ended by suggesting that it would be better to give merely limited privileges to the Post-nati.[2] The lawyers of the Lower House were less successful. Instead of assailing the position in the only way in which it was possible to succeed, they attempted to support their conclusion upon technical grounds. The judges being consulted, gave their opinions, with one exception, against the theory of the House of Commons, Coke especially bringing his immense stores of learning to bear upon the case.

Feb. 25. Conference with the Lords.

For once in his life he and Bacon were agreed. But it need hardly be said, that if they came to the same conclusion, they did not arrive at it by the same road. Bacon, in his enthusiasm for the cause in which he was engaged, had overlooked the evils which might hereafter ensue from the admission of those technical grounds upon which part of his argument was based,

Opinion of Coke in favour of the naturalisation of the Post-nati by the common law.

[1] *State Trials*, ii. 562 *C. J.* i. 345. Note of the speeches of Popham and Coke, Feb. 26, *S. P. Dom.* xxvi. 64; calendared as Coke's speech alone, and dated Feb. 25.

[2] This appears more clearly from the report in the Journals than from that in the State Trials.

but which can hardly be supposed to have had any part in influencing his judgment. To Coke those technical grounds were everything. For the broader aspects of the case he cared nothing; but his reverence for the English common law amounted to a passion. He considered the system of which he was the acknowledged master to be the purest emanation of perfect wisdom. Whatever opposed the common law was treated by him with contemptuous arrogance. For the sake of the common law he had bullied Jesuits in his youth; for the sake of the same common law he was in his old age to stand forward to oppose his Sovereign. On this occasion there could be no doubt which side of the question would receive his support. English law had grown up under two distinct influences. The influence of the judges had drawn it in one direction, the influence of Parliament had drawn it in another. The natural tendency of the judges was to put forward on every occasion the authority of the Sovereign; the natural tendency of Parliament was to give expression to the rights of the nation. It happened that Parliament had never had occasion to legislate directly upon the subject, and Coke had no difficulty in quoting precedent after precedent to show that the decisions of the courts were all in favour of his doctrine of naturalisation by allegiance. The appeal of Sandys to a reasonable construction of the law in consequence of the altered condition of the country, he treated with cool contempt. He was there to declare what the common law declared, and of any other argument he knew nothing.

The Commons refuse to give way.

The Commons stood firm: they knew that whatever might be the value of Coke's arguments, they were in the right in placing the important question before them on a wider basis than that of the technical law. Whilst they doubted what course to take, they were informed that the Lords had consented to hear any practical suggestion which the Commons might agree to make.[1]

[1] A paper in the *S. P. Dom.* xxvi. 69, concerning Scotchmen created Peers in England, is endorsed by Salisbury, "All other laws make them aliens, precedents contrary, reason, nature." On this point the Lords must have been with the Commons almost to a man.

Accordingly, on March 14, the Commons made a proposal of their own.[1] They were ready to do away with the distinction between the Ante-nati and the Post-nati, and were willing to naturalise by statute all the King's Scottish subjects. They would thus get rid of the difficulty attending the exercise of the prerogative. A clause was to be introduced, declaring those who held property in England to be subject to all the burdens connected with it; and it was to be added that natives of Scotland were to be excluded from a very considerable number of official positions. The proposed measure would have met all the difficulties of the case. The disqualifying portions of the Act would certainly be repealed as soon as the natives of England and Scotland began to feel that they were in reality members of a common country.

March 14. At the Lords' request, they propose a measure on the subject.

The Government desired time to consider this proposition, especially as there was reason to believe that the Commons thought of supporting it by passing a vote in direct condemnation of the opinion of the Judges that the Post-nati were already naturalised. The King's ministers accordingly took the somewhat extraordinary step of advising the Speaker to exaggerate a slight indisposition, in order that the Commons might be unable, in his absence, to proceed to any business of importance.[2] Soon afterwards the dispute entered on a new stage. The Commons made the sweeping proposal that the Union should be made still more complete by bringing about an identity of the laws of the two nations, in order that Scotchmen who were to be admitted to honours and property in England might be subject to the law which was current in England. Bacon opposed this plan, on the ground that, excellent as it was, it would lead to intolerable delay.[3]

March 28.

May 30. The King's speech.

At last it was known that the King would himself address the two Houses. The speech which he delivered on this occasion [4] was decidedly superior to any that

[1] *Cott. MSS.* Tit. F. iv. fol. 55. The debate in committee of March 6 on which the proposal was founded, is reported in *S. P. Dom.* xxvi. 72.

[2] Salisbury to Lake, March 18, *S. P. Dom.* xxvi. 90.

[3] *Letters and Life*, iii. 335.

[4] *C. J.* 357.

had yet fallen from his lips. For once he had a cause to plead which was not his own, and in pleading the cause of his country, and in striving to promote the future welfare of both nations, he allowed but few traces to be seen of that petulance by which his speeches were usually disfigured. He told the Houses plainly, that he looked forward to a perfect union between the countries ; but he told them no less plainly, that he was aware that such a union would be a question of time. For the present, all that he asked was the passing of the measure now before them. Though he trusted that they would not object to a complete naturalisation of the Post-nati, he would be ready to consent to any reasonable limitations upon his right of appointment to offices under the Crown. The tone of this speech, so much kindlier and more earnest than had been expected, produced a favourable impression on the House of Commons, and it was thought by some that if the question had been put to the vote immediately, the King would have obtained the greater part of his demands.[1] The speech was, however, followed by an adjournment for nearly three weeks, and when the House met again after Easter the impression had worn off. There was much discussion upon the course to be pursued, and it was only after the King had rated them for their delay that the House determined to confine its attention to the points upon which there was little difference, and to reserve the questions of commerce and naturalisation for future consideration. A Bill was accordingly drawn up for the abolition of those laws in which Scotland was regarded as a hostile country, on the condition that statutes of a similar description should be repealed in the next Parliament which met in Scotland. It was also decided to introduce into this Bill clauses regulating the manner in which Englishmen were to be brought to trial for offences committed in Scotland. During the last four years much had been done for the pacification of the Borders. The transportation to Ireland of many of the worst offenders had been attended with satisfactory results, and the

May 2. Abolition of hostile laws, and extradition of criminals.

[1] Boderie to Puisieux, April $\frac{6\text{th}}{16\text{th}}$, 1607, *Ambassades*, ii. 168.

harmony which now for the first time existed between the officers on the two sides of the frontier, had brought some kind of peace and order into that wild district. Still, the old mosstrooping spirit was not to be changed in a day. The Commissioners had therefore proposed that persons charged with criminal offences of a certain specified character should be handed over for trial to the authorities of the kingdom in which the offences had been committed. In this proposal, which had been acted upon since the accession of James, they were supported by the Commissioners for the Borders, who, as well as the gentry [1] of the northern shires, were unwilling to see any change introduced which would lessen the chances of bringing to conviction the Scottish plunderers who still infested their lands. They thought that if the thief were to be sent back to be tried in his own country, it would be impossible to procure a conviction, as no hostile witness would dare to present himself among the neighbours of the accused person.

The House of Commons looked at the question from a different point of view. The Northern gentry had been eager to support a system which made conviction easy, but they had forgotten to inquire how it would work in the case of an innocent man. Under it, an Englishman charged with a crime which he had not committed, might be sent into Scotland for trial. When he was once amongst his accusers, he could hardly hope to escape the gallows. The House of Commons preferred the safety of the innocent to the certainty of condemning the guilty.[2] In the spirit which was afterwards to pervade the criminal jurisprudence of the country, they decided that the accused should be tried on his own side of the Borders. Nor was the House content even with this safeguard against an unjust verdict. By an iniquitous custom which had become the tradition of the law of England, no counsel was allowed to

June. Prisoners to be tried in their own country.

[1] *C. J.* i. 377.

[2] Yet, in 1610, they changed their minds, and repealed this clause. The Repealing Act (7 & 8 Jac. I. cap. 1), however, was only to be in force till the next Parliament, when it expired, the Parliament of 1614 being dissolved before there had been time to consider the subject.

speak on behalf of a prisoner accused of felony, nor was an oath administered to the witnesses who were called to speak on his behalf. This custom was the relic of a system which had long passed away. As long as the jury were sworn witnesses, they only called in additional witnesses for the purpose of obtaining further information. The prisoner did not call any witnesses at all. In due course of time, the sworn witnesses became judges of the fact, and the witnesses for the prosecution were regarded as accusers, in some measure filling the places of the old sworn witnesses. While, therefore, an oath was tendered to them, persons who might appear to give their testimony on behalf of the prisoner, were looked upon as irregularly present, and were left unsworn. The consequence was, that an excuse was given to an unfair jury to neglect evidence tendered in support of the prisoner, because it had not been confirmed by an oath.

As usual, the lawyers had invented reasons for approving of a custom which had grown up unperceived amongst them. When Sandys proposed that the prisoners in Border trials should be allowed the assistance of counsel, and added that he should be glad to see the same course adopted over all England, Hobart immediately rose and declared that he regarded this as an attempt to shake the corner-stone of the law, and advised that such suggestions should be reserved for the time when they might be deliberating on a general revision of the laws of the two countries.[1] In a similar spirit, arguments were brought against the proposal to allow the witnesses of the prisoner to be sworn.[2] In spite of all opposition, the proposed clause was carried. Another clause was also carried, which ordered that juries should be chosen from a higher class of men than that from which they were selected in the rest of the country, and power was given them to reject such witnesses as they might suppose to be inclined, from affection or malice, to falsify their evidence. Nothing, however, was done to give the prisoner the benefit of counsel.[3]

[1] Notes of proceedings, May 29, *S. P. Dom.* xxvii. 30.

[2] Collection of arguments in the House of Commons, June 5, *S. P. Dom.* xxvii. 44.

[3] 4 Jac. I. cap. 1.

If these long debates had led but to a slight result, they at least served to commend Bacon to the King. At last, after years of weary waiting, his feet were fairly placed on the ladder of promotion. On June 25, before the close of the session, he became Solicitor-General, Doderidge having been induced to accept the post of King's Serjeant, according to the arrangement proposed by Ellesmere in the preceding summer. By his marked ability in the conduct of an unpopular cause, in which his whole sympathies were engaged, Bacon had done more than enough to entitle him to the honour which he now achieved.

June 25. Bacon Solicitor-General.

Busy as the session had been, the Commons had not been so preoccupied with the debates on the Union as to be unable to pay attention to the complaints of the English merchants trading in Spain. Ever since the treaty had been signed, in 1604, the relations between Spain and England had been subjected to a strain, arising from the ill-feeling which was the legacy of the long war—a feeling which the Government strove in vain to allay, by repeated attempts to draw the bonds of amity closer than the character of the two nations would warrant.

1605. Relations between England and Spain.

In the spring of 1605 the question of the neutrality of the English ports reached a crisis. The Spanish admiral, Don Louis Fajardo, had received orders to transport 12,000 men from Spain into the Netherlands. If, as was not improbable, he was unable to land them in Flanders, he was to set them on shore in England, where it was supposed that they would obtain protection till means could be obtained to send them across the Straits in small boats which might slip over from time to time. The execution of this commission was entrusted by the admiral to Pedro de Cubia, who seized upon a number of foreign vessels which happened to be lying at Lisbon, and converted them into transports for his soldiers. One of these was an English vessel, and another was the property of a Scotchman.

Conflict between Spanish and Dutch ships in Dover harbour.

On May 14 the fleet left Lisbon. By the time that it had arrived at the entrance of the Channel, the Dutch Admiral Haultain had taken up a position off Dover, with the intention

of barring the passage of the Straits. The Spaniards neglected even to take the ordinary precaution of keeping together. On June 2, two of their ships found themselves in the presence of the enemy. The crews, after firing a few shots, ran them both on shore. A few of those who were on board escaped by swimming. The remainder, according to the custom which prevailed in those horrible wars, were massacred to a man.

The next day the eight remaining vessels came up. The leading ship, on board which was the Spanish admiral, was the English merchantman which had been seized at Lisbon. The English crew were still on board, and their knowledge of the coast stood the admiral in good stead. They kept the vessel close to the shore, and were able to slip into Dover harbour without suffering much damage. Of the others, one was cut off by the enemy. As on the preceding day, the Dutch took few prisoners, and threw the greater part of the officers and men into the sea. Two more vessels shared the same fate. They attempted to run on shore, but were boarded before the crews could escape. The remaining four made their way into the harbour. The Dutch, in the ardour of the combat, forgot that their enemies were now under the protection of the English flag. This was too much for the commander of the Castle, who had for two days been a spectator of the butchery which had been committed under his eyes. He gave orders to fire upon the aggressors, who drew off with the loss of about a hundred men.

This affair gave rise to a long series of negotiations. The Spanish ambassador, thinking that James would be sufficiently annoyed at the proceedings of the Dutch fleet to grant him anything which he might choose to ask, demanded that the remainder of the troops should be conveyed to Flanders under the protection of the English fleet. This was at once refused, but James allowed himself to be prevailed upon to request the States to give permission to the Spaniards to pass over. When he heard that this demand had been rejected, he offered to allow them to remain at Dover so long as they were maintained at the expense of the King of Spain. This offer was accepted, and they remained in England for some months. Their numbers were much thinned by the

Negotiations respecting the Spanish soldiers.

destitution which was caused by the neglect of their own Government. At last, in December, the handful that remained took advantage of one of the long winter nights, when the blockading fleet had been driven from the coast by a storm, and made their way over to Dunkirk and Gravelines.[1]

In Spain itself, the English merchants who had begun, even before the conclusion of the treaty, to visit the country, were but ill satisfied with the treatment they received. The officers of the Inquisition declared loudly that their authority was not derived from the King of Spain, and that, therefore, they were not bound by the treaty which he had made.[2] On the arrival of the Earl of Nottingham, who was sent over on a special mission to swear to the peace on behalf of the King of England, the Spanish Government at first declined to include in the instrument of ratification the additional articles by which English Protestants were freed from persecution. Nottingham refused to give way, and the whole treaty was solemnly ratified.[3] But it was not long before Sir Charles Cornwallis, who remained in Spain as the ordinary ambassador, had to complain that these articles were not carried into execution. As soon as an English ship arrived in port, it was boarded by the officials of the Inquisition, who put questions to the sailors about their religion, and searched the vessel for heretical books. If any of the crew went on shore, they were liable to ill-treatment if they refused to kiss the relics which were offered to them as a test of their religion. It was not till nearly four months after the ratifications had been exchanged that an order was obtained from the King, putting a stop to these practices.[4]

1604. Englishmen ill-treated by the Inquisition in Spain.

1605. Ratification of the treaty.

The growing estrangement between the two countries must have made the Spanish Government still more eager to convert the peace with England into a close alliance. In

[1] *Meteren*, compared with the papers in *Winwood*, and in the Holland series in the *S. P.*

[2] Chamberlain to Winwood, Dec. 18, 1604, *Winw.* ii. 41. Letters received from Spain by Wilson, Dec. 14 and 17, 1604, *S. P. Spain.*

[3] Two letters of Cornwallis to Cranborne, May 31, 1605, *S. P. Spain.*

[4] Memorial presented by Cornwallis, Sept. 14, 1605, *S. P. Spain.*

July 1605, hints were thrown out to Cornwallis at Madrid, similar to those which had been thrown out by the Spanish ambassadors in England, that the King of Spain would gladly see his eldest daughter married to Prince Henry. Spain would surrender to the young couple its claims to a large portion of the Netherlands. If the proposed marriage were not agreeable, a large sum of money, as well as the possession of some fortified towns in the Low Countries, would be guaranteed to James if he could persuade the Dutch to give up their independence upon certain conditions which were afterwards to be agreed upon. Salisbury, who probably thought that these overtures might be made the basis of negotiations which might give peace to the Netherlands, and who was compelled by the receipt of his pension to keep up at least the appearance of a good understanding with the Court of Spain, directed Cornwallis to ask that some definite proposal should be submitted to him.[1] The suggestion that James should mediate was repeated. After some delay the English Council directed Cornwallis to inform the Spaniards that James was unwilling to propose to the States to accept his mediation, as it was certain that they would refuse to submit to their old masters upon any terms. If, however, the Spaniards still desired it, he would direct Winwood to sound the minds of the Dutch upon the subject. If, on the other hand, the alternative of the marriage were preferred by Spain, he would ask the States whether they would be willing to receive his son as their sovereign. The Spaniards, however, who had perhaps never intended to do more than to lure James away from his alliance with the Dutch, upon further consideration raised objections to the marriage of the Infanta with a Protestant, and the negotiation fell to the ground.

Proposition for a marriage between the Prince Henry and the Infanta.

Growing coolness between Spain and England.

After the discovery of the Gunpowder Plot, all chance of a close alliance between the two Governments was for the present at an end. The knowledge that the English troops in the service of the Archduke had been intended by the conspirators to co-operate with them by invading England, induced James to refuse

[1] Salisbury to Cornwallis, Oct. 24, 1605, *Winw.* ii. 147; and a series of documents commencing at p. 160.

to allow any further levies to be made.[1] A few weeks later, a clause in the new Recusancy Act prescribed that no person should be allowed to leave the realm without taking the oath of allegiance, which must have effectually prevented many from passing over to Flanders. Nor was the news of the severity with which the Catholics were treated in England likely to make James popular in Spain. James, on his part, was no less irritated at the refusal of the Archduke to give up Owen and Baldwin, who were believed to have been implicated in the conspiracy, and he knew that in the course which had been taken, the Court of Brussels had the full support of that of Spain.

Nor was James unwarranted in supposing that the feeling of horror with which he was regarded in Spain might lead to the formation of fresh conspiracies against his person. At no time were the despatches of the ambassadors at Madrid and Brussels fuller of reports of plots and conspiracies than in the summer of 1606. Of these plots, however, one only came to a head.

Plots formed in Spain.

On July 6, a certain Captain Newce[2] was brought before the Privy Council. His account of himself was, that he had served in Ireland during the war, but had been dismissed from his post when the army was reduced. In May 1605, he had come to London, and, at Salisbury's recommendation, the Dutch ambassador had promised him a captain's command if he could succeed in levying a company for the States. With this object in view he returned to Ireland, provided with recommendatory letters to the Deputy. Ireland was at this time full of discharged soldiers, whose services were no longer required. When he arrived there, he found that he was too late, as all the Englishmen who were willing to serve the States had already given in their names to another officer who was employed on a similar errand. He then tried to prevail upon Irishmen to serve under him. They told him that they had no objection to enlisting again, but that, if they were to fight at all, they preferred fighting on the side of Spain. Newce, who, like many others in the days before the army had

Newce's examination.

[1] Salisbury to Winwood, March 15, 1606, *S. P. Holland.*

[2] Declaration of Captain Newce, July 6, 1606, *S. P. Dom.* xxii. 34.

become a profession for life, had no scruples in joining any side which would pay him, readily assented, and sailed for Spain with two hundred men. Upon his arrival, the authorities, who knew that he had formerly served under the English Government, put him in prison as a spy, and dispersed his men amongst different regiments. Shortly after this he fell in with a Colonel Franceschi, who incited him to take vengeance upon the English Government, by which he had been deprived of his command in Ireland. He obtained from him several particulars of the state of the Irish fortifications, and told him that, if war should break out, he should be provided with 10,000*l.* and a force with which he might invade that country. Franceschi, who had probably received some vague intelligence of the existence of the Gunpowder Plot, added that peace could not long endure. Ere long, he said, he would hear strange news from England, where, if he had not been deceived, there would be great changes before Christmas. Meanwhile, it was suggested to him that he would do good service if he would go into the Low Countries and enter into a correspondence with some of his old comrades who were in the service of the States, as he might be able to induce them to betray some of the towns which were intrusted to their keeping.

Newce accordingly left Spain, as if for the purpose of travelling into Flanders; but instead of going directly to his destination, he slipped over to England, and told the whole story to Salisbury, who directed him to continue on good terms with Franceschi, and to let him know when any plot which might be in hand was ripe for execution. Going over to the Low Countries, he again met Franceschi, and was told by him of a secret service which would bring him great rewards. He could not obtain any information of the nature of this service, but he was informed that if he would go into England, a brother of Franceschi's should join him there, and acquaint him with all that was necessary for him to know. He accordingly returned to England in the beginning of March. It was not till June 29 that Tomaso Franceschi, who had been sent over by his brother, joined him at Dover. He had crossed in companionship with an Irishman, named Ball, who acted as secre-

tary to the Spanish ambassador in London. Upon their arrival in London, if Newce is to be believed, Franceschi offered him 40,000*l.* as a reward for the service which he was to perform, but refused to tell him what it was, unless he would first take an oath of secrecy. He was also to find an associate, and to send his own wife and child, as well as the wife, son, or brother of his associate, to Antwerp, to be kept as hostages for his fidelity. After making some difficulties, he was at last induced to take the oath of secrecy, and was told that he was required to assist in betraying Bergen-op-Zoom, Flushing, or Rammekens. On the following day he met Franceschi upon Tower Hill. He had taken the precaution of requesting a friend named Leddington to follow them, and to do his best to overhear their conversation. Franceschi repeated the proposal of betraying Flushing, and they went down the river together to look for a vessel to take Newce over to Holland. Leddington[1] asserted that, as they were returning from a fruitless search for such a vessel, he overheard Franceschi say, "A brave-spirited fellow, with a good horse and a pistol, might do it and go a great way after in a day and night;" to which Newce answered, "The best time for it would be when he did hunt at Royston." These words were declared by Newce to have been part of a conversation in which Franceschi proposed to him to murder the King; and it must be confessed that, if they were really spoken, they could bear no other interpretation.

He is asked to betray some Dutch fortified towns.

Proposal to murder the King.

On the following morning, Newce met Franceschi at the Spanish ambassador's. He told him that there were difficulties in the way of betraying the towns in the Netherlands. Soon after these words had passed between them, Ball offered Newce some sweetmeats, some of which he ate at the time, and the remainder he took home, where he and his wife, and some other women, partook of them. Soon afterwards, all who had tasted them were seized with sickness. A physician who was sent for declared that they had been poisoned. Newce immediately sent to inform Salisbury of

Ball's attempt to poison Newce.

[1] Deposition of Leddington, July 6, 1606, *S. P. Dom.* xxii. 33.

what had happened. Franceschi was at once arrested. The Spanish ambassador refused to surrender Ball, upon which Salisbury sent to seize him, even in the ambassador's house. Franceschi admitted that there had been a plot for the betrayal of one of the towns, but denied that he had ever said a word about murdering the King.[1] Newce, however, when confronted with him, persisted in the truth of his story. Ball, after some prevarication, admitted that he had given the sweetmeats to Newce.

Franceschi and Ball arrested,

If Franceschi had been an Englishman, and if Ball had not been under the ambassador's protection, further inquiries would undoubtedly have been made. As the matter stood, the Government thought it prudent to let the investigation drop. Newce's character was not sufficiently good to enable Salisbury to rely upon his evidence, and he was unwilling to give further provocation to the ambassador, whose privileges he had recently set at nought, by ordering an arrest to be made in his house. It was not long before Ball was set at liberty; Franceschi was kept in the Tower for more than a year, at the expiration of which time, he, too, was allowed to leave the country.[2]

but are subsequently released.

Whilst the Spaniards were becoming more and more hostile to England, there was little hope that English traders who fell into their power would receive even simple justice at their hands. These traders were now very numerous. In 1604 the Commons had declared strongly in favour of throwing open the commerce with Spain to all Englishmen who were willing to engage in it. The proposal had been resisted by the Government on the ground that the burden of protecting the trade ought to fall in the first place on the merchants themselves, and that some organization was necessary in order to provide payment for the consuls who were

1604. The trade with Spain.

[1] Examinations of Franceschi, July 6 and 12, 1606, *S. P. Dom.* xxii. 39, 51.

[2] Boderie to Puisieux, $\frac{\text{Aug. 29,}}{\text{Sept. 8,}}$ 1607, *Ambassades de M. de la Boderie*, i. 203. This account agrees with that given in the papers in the *S. P.*, excepting in some of the dates.

to act on behalf of English mariners and traders in the Spanish ports. After the end of the first session of Parliament Chief Justice Popham proposed, as a compromise, that a company should be formed, but that it should be open to all who were willing to contribute a fixed sum. Salisbury eagerly adopted the plan, and in 1605 a Spanish company was established on this footing.[1]

1605. The Spanish Company.

In the session of 1605–6, however, it appeared that the House of Commons was dissatisfied with this arrangement. There were many owners of small craft in the Channel ports, who had hoped to be able to make a livelihood by running their vessels to Lisbon or Corunna, though it was out of their power to pay the subscription required by the new company. Their cause was taken up in the Commons, and a Bill was brought in declaring that all subjects of his Majesty should have full liberty of trade with France, Spain, and Portugal, in spite of any charters which had been or might at any future time be granted.[2] Salisbury saw that the feeling of the Commons was too strong to be resisted, and the Bill passed through both Houses without opposition.

1606. Opposition of the Commons.

The petty traders thus admitted to commercial intercourse with Spain did not always receive advantage from the privilege which they had craved. Their treatment by the Spanish authorities was often exceedingly harsh. The slightest suspicion of the presence of Dutch goods in an English vessel was enough to give rise to the seizure of the whole cargo. The merchants complained, with reason, of the wearisome delays of the Spanish courts. Whatever had once been confiscated on any pretext, was seldom, if ever, restored. Even if the owner was sufficiently fortunate to obtain a decision in his favour, the value of the property was almost invariably swallowed up in the expenses of the suit, swollen, as they were, by the bribes which it was necessary to present to the judges. It was suspected that the Government was as often prevented from doing justice by its inability to furnish the compensation demanded, as from any

[1] Charter of the Spanish Company, May 31, 1605; Salisbury to Pop ham, Sept 8, 1605, *S. P. Dom.* xiv. 21, xv. 54.

[2] Memoranda, April 11, 1606, *S. P. Dom.* xx. 25.

intention to defraud. But whatever its motives may have been, the consequences were extremely annoying. That English ships trading with America should have been seized, can hardly be considered matter for surprise. But English patience was rapidly becoming exhausted, when it was known in London that ship after ship had been pillaged, upon one pretence or another, even in Spanish waters. Cornwallis represented to the Spanish Government the hardships under which his countrymen were suffering. He was met with smooth words, and promises were given that justice should be done; but for a long time these promises were followed by no practical result whatever.

Such were the grievances which, in 1607, the merchants laid before the Commons. They selected the case of the 'Trial,' as one which was likely to move the feelings of the House. On February 26, Sir Thomas Lowe, one of the members for the City of London, brought their case forward. The 'Trial' on her return from Alexandria, in the autumn of 1604, had fallen in with a Spanish fleet. The Mediterranean was at that time infested by swarms of pirates, in whose enterprises Englishmen had taken their share. The Spaniards, on their part, were not content with attempting to repress piracy. Orders had been given to their officers to prevent all traffic with Jews and Mahometans, on the ground that it was unlawful to trade with the enemies of the Christian religion. On this occasion, the purser of the 'Trial' was summoned on board the admiral's ship, and was told by that officer—so runs the narrative which was read in the House of Commons—'that he was commanded to make search for Turks' and Jews' goods,[1] of which, if our ship had none aboard, he then had nothing to say to them, for that now a happy peace was concluded between the Kings, so as they would but only make search, and, not finding any, would dismiss them. But, notwithstanding their promises, albeit they found no Turks' nor Jews' goods, they then alleged against them that their ship was a ship of war,[2] and that they had taken from a Frenchman a piece of ordnance, a sail, and a hawser.' The Englishmen

1607. The merchants petition the House of Commons.

[1] *C. J.* i. 340.

[2] *i.e.* a pirate.

endeavoured to prove that the ship was a peaceable merchantman; but in spite of all that they could say, the Spaniard 'commanded the purser to be put to the torture, and hanged him up by the arms upon the ship's deck, and, the more to increase his torture,' they hung heavy weights to his heels; 'nevertheless he endured the torture the full time, and confessed no otherwise than truth. So then they put him the second time to torture again, and hanged him up as aforesaid; and, to add more torment, they tied a live goat to the rope, which, with her struggling did, in most grievous manner, increase his torment, all which the full time he endured. The third time, with greater fury, they brought him to the same torment again, at which time, by violence, they brake his arms, so as they could torment him no longer; nevertheless he confessed no otherwise but the truth of their merchants' voyage. All which, with many other cruelties, being by our mariners at sea endured for the space of two months, all which time they enforced ship and men to serve them to take Turks, as they pretended.' The poor men were at last sent to Messina, where the officers were put in prison, and the crew sent to the galleys, 'where they endured more miseries than before, insomuch as few or none of them but had the hair of their heads and faces fallen away; and in this misery either by torment, straitness of prison, or other cruel usage, in a short time the master, merchant, and purser died, and to their deaths never confessed other but the truth; and, being dead, they would afford them none other burial but in the fields and sea-sands. All of our men being wasted, saving four,[1] they were only left there in prison and galleys, and these, through their miseries, very weak and sick. One of them, called Ralph Boord, was twice tormented, and had given him a hundred bastinadoes to enforce him to confess, and for not saying as they would have him, was committed to a wet vault, where he saw no light, and lay upon the moist earth, feasted with bread and water, for eight days, and being then demanded if he would not confess otherwise than before, he replied he had already told them the

[1] There were eighteen originally.

truth, and would not say otherwise ; whereupon they took from him his allowance of bread, and for seven days gave him no sustenance at all, so that he was constrained to eat orange-peels which other prisoners had left there, which stunk, and were like dirt, and at seven days' end could have eaten his own flesh ; and the fifteenth day the gaoler came unto him and not finding him dead, said he would fetch him wine and bread to comfort him, and so gave him some wine and two loaves of bread, which he did eat, and within a little while after, all his hair fell off his head ; and, the day after, a malefactor for clipping of money was put into the same vault, who, seeing what case his fellow-prisoner was in, gave him some of his oil he had for his candle to drink, by which means . . . his life was preserved.'

At last the four who were left alive acknowledged that they had robbed the French ship of the piece of ordnance and the other articles, which had in reality belonged to the ship when she sailed from England.

The indignation felt by the House of Commons at such a tale as this may easily be conceived. They took the matter up warmly. This case of the 'Trial' was only one out of many others. The 'Vineyard' had been seized under pretence that she was carrying ammunition to the Turks. It was said that, besides the hardships inflicted upon the crews, English merchants had been unfairly deprived of no less a sum than 200,000*l.*[1] But it was more easy to feel irritation at such proceedings than to devise a remedy. Even the merchants themselves did not dare to advise an immediate declaration of war. Merchant vessels went far more at their own risk in those days than they do now. That the nation should engage in war for the sake of a few traders was not to be thought of. The Government did its part if it remonstrated by means of its ambassadors, and used all its influence to obtain justice.

The Commons forward the petition to the Lords.

Still the merchants were not content that the matter should rest here. They had discovered an old statute authorising the

[1] *C. J.* i. 373.

issue of letters of marque, upon the receipt of which the aggrieved persons might make reprisals upon the goods of the nation which had inflicted the wrong. They requested that such letters might now be issued, and their request was forwarded by the Commons to the Lords.

On June 15[1] a conference was held between the two Houses. Salisbury told the Commons that peace and war must be determined by the general necessities of the kingdom. He reminded them that it was at their request that the late Spanish Company had been abolished, and that the merchants were now suffering from the loss of the protection which they had derived from it. It was notorious that it was difficult to obtain justice in Spain, and those who traded there must not expect to fare better than the inhabitants of the country. In reviewing the particulars of their petition, he told them that each merchant must carry on trade with the Indies at his own risk. With respect to the other complaints, the Spanish Government had given assurance that justice should be done; he therefore thought it better to wait a little longer before taking any decided step. He was able, without difficulty, to point out the extreme inconveniences of the issue of letters of marque. It would be immediately followed by a confiscation of all English property in Spain, the value of which would far exceed that of the few Spanish prizes which the merchants could hope to seize.

Salisbury advises delay,

He then turned to argue another question with the Commons. He maintained that the determination of war and peace was a prerogative of the Crown, with which the Lower House was not entitled to meddle. This assertion he supported by a long series of precedents[2] from the times of the Plantagenets. It had often happened that the Commons, from anxiety to escape a demand for subsidies, had excused themselves from giving an opinion on the advisability of beginning or continuing a war. He argued that when the opinion of Parliament had really

and argues that questions of war and peace are to be determined by the Crown.

[1] The speeches of Salisbury and Northampton are reported in Bacon's *Letters and Life*, iii. 347.

[2] Hallam, *Middle Ages* (1853), iii. 52.

been given, it was 'when the King and Council conceived that either it was material to have some declaration of the zeal and affection of the people, or else when the King needed to demand moneys and aids for the charge of the wars.' His strongest argument was derived from the difficulty which the House must feel in doing justice upon such matters. After all they could only hear one side of the question. The Commons had themselves felt the difficulty. 'For their part,' they had said a few days before,[1] 'they can make no perfect judgment of the matter because they have no power to call the other party, and that therefore they think it more proper for their Lordships, and do refer it to them.' In fact, negotiations with foreign powers must always be left in the hands of the Government, or of some other select body of men. The remedy for the evil, which was plainly felt, lay rather in the general control of Parliament over the Government than in any direct interference with it in the execution of its proper functions. Salisbury concluded by assuring the Commons that no stone should be left unturned to obtain redress, and by a declaration that if, contrary to his expectation, that redress were still refused, the King would be ready 'upon just provocation to enter into an honourable war.'

Speech of Northampton.

Salisbury was followed by Northampton, in a speech which hardly any other man in England would have allowed himself to utter. In him was combined the superciliousness of a courtier with the haughtiness of a member of the old nobility. He treated the Commons as if they were the dust beneath his feet. He told them that their members were only intended to express the wants of the counties and boroughs for which they sat, and that thus having 'only a private and local wisdom,' they were 'not fit to examine or determine secrets of State. The King alone could decide upon such questions, and it was more likely that he would grant their desires if they refrained from petitioning him, as he would prefer that he should be acknowledged to be the fountain from which all acceptable actions arose. After advising them to

[1] *C. J.* i. 381.

imitate Joab, 'who, lying at the siege of Rabbah, and finding it could not hold out, writ to David to come and take the honour of taking the town,' he concluded by assuring them that the Government would not be forgetful of the cause of the merchants.

The Commons give way.

However insulting these remarks of Northampton were, the Commons had nothing to do but to give way before Salisbury's cooler and more courteous reasoning. They had no feasible plan to propose on their own part, and it was certainly advisable to attempt all means of obtaining redress before engaging in a war of such difficulty and danger. At Madrid, Cornwallis did what he could. He frequently succeeded in obtaining the freedom of men who were unjustly imprisoned,[1] but the difficulties and delays of Spanish courts were almost insuperable. In cases where there was a direct breach of treaty, a threat of war would probably have expedited their proceedings; but there was an evident disinclination on the part of the English Government to engage in a hazardous contest for the sake of merchants. It was some time before English statesmen were able to recognise the value of the interests involved in commerce, or were entrusted with a force sufficient to give it that protection which it deserves.

July 4. Prorogation of Parliament.

On July 4, after a long session, Parliament was prorogued to November 10. The members of the Lower House would thus be able to consider at their leisure the proposed Bills which were intended to complete the original scheme of the Commissioners for the Union. Of James's real inclination to do what was best for both countries, there can be no doubt whatever. In another difficulty which had recently shown itself in England, his care to do justice had significantly asserted itself.

Disturbances about enclosures.

Before the prorogation took place he had been called upon to deal with one of those tumults caused by the conversion of arable land into pasture, which had been the root of so much trouble during the whole of the preceding century. In the greater part of England the inevit-

[1] *Winw.* ii. 320, 338, 360, 367, 391, 410, 439; iii. 16.

able change had been already accomplished. But in Leicestershire and the adjoining counties special circumstances still caused misery amongst the agriculturists. In addition to the sheep farms, which were still extending their limits, several gentlemen had been enclosing large parks for the preservation of deer. An insurrection broke out, the violence of which was principally directed against park pales and fences of every description. It was easily suppressed, and some of the ringleaders were executed. But the King gave special orders to a Commission, issued for the purpose of investigating the cause of the disturbances, to take care that the poor received no injury by the encroachments of their richer neighbours. As no further complaints were heard, it may be supposed that his orders were satisfactorily carried out.[1]

Undoubtedly, however, James's mind was more fully occupied with the progress of the Union than with the English enclosures. In August, the Scottish Parliament met and assented to the whole of the King's scheme, with the proviso that it should not be put in action till similar concessions had been made in England. It is doubtful whether the English Parliament, if it had met in November, would have been inclined to reciprocate these advances. At all events, before the day of meeting arrived, James resolved to avail himself of the known opinions of the judges, to obtain a formal declaration from them of the right of the Post-nati to naturalisation without any Act of Parliament whatever. A further prorogation removed any danger of a protest from the Commons till the decision of the judges was made known.

August. The Union to be proceeded with.

In the autumn of 1607, therefore, a piece of ground was purchased in the name of Robert Colvill,[2] an infant born at Edinburgh in 1605, and an action was brought in his name against two persons who were supposed to have deprived him of his land. At the same time, a suit was instituted in Chancery

[1] There are several letters amongst the *Hatfield MSS.* showing the King's anxiety on behalf of the poor in this affair.

[2] Known as Calvin in the English law books. He was a grandson of Lord Colvill of Culross, whose family name was often written Colvin.

against two other persons for detaining papers relating to the ownership of the land. In order to decide the case, it was necessary to know whether the child were not an alien, as, if he were, he would be disabled from holding land in England. The question of law was argued in the Exchequer Chamber, before the Chancellor and the twelve judges. Two only of the judges argued that Colvill was an alien; the others, together with the Chancellor, laid down the law as they had previously delivered it in the House of Lords, and declared him to be a natural subject of the King of England.[1]

June, 1608. The Post-nati admitted to naturalisation by the judges.

It is certain that James had no expectation that this decision of the judges would prove a bar to the further consideration of the Union by Parliament. In December, he consulted Hobart, the Attorney-General, on the extent of the divergency between the laws of the two nations. He was agreeably surprised by Hobart's report. If there was no more difference than this, he said, the Scotch Estates would take no more than three days to bring their law into conformity with that of England.[2]

Dec. 1607. The King looks forward to a union of laws.

No doubt, James exaggerated the readiness of the Scotch Estates to change their law. When he had obtained the judgment of the Exchequer Chamber in his favour, he found that it was hopeless to expect that the English Parliament would give way on the Commercial Union. From the first they had been set against it, and it was not likely that they would change their minds after the question of naturalisation had been decided in defiance of their expressed wishes. Parliament was prorogued, and it was some time before it was allowed to meet again.

1608. Nothing more done about the Union.

There are occasions, which from time to time arise, when progress can only be effected in defiance of a certain amount of popular dissatisfaction, and it may be that this was one of

[1] *State Trials*, ii. 559. There are also notes of the judgments in *S. P. Dom.* xxx. 40, and xxxiv. 10.

[2] Lake to Salisbury, Dec. 8, *Hatfield MSS.* 194, 29.

them. But every attempt to move forward in such a way is accompanied by some amount of friction, and there had already been too much friction in the relations between James and the House of Commons. The King wished to act fairly, but he had too little sympathy alike with the best and the worst qualities of the race which he had been called to govern, to work in harmony with his subjects.

CHAPTER IX.

THE PACIFICATION OF IRELAND.

THE efforts made by James to assimilate the institutions of England and Scotland had been crowned with a very moderate amount of success. In pursuing the same policy in Ireland, he was likely to meet with even greater difficulties. The stage of civilisation which had been reached by Ireland, was so very different from that to which England had attained, that the best intentions of a ruler who did not sufficiently take into account this difference were likely to lead only to greater disaster.

The causes which had made the possession of Ireland a weakness rather than a strength to England were not of any recent growth. The whole history of the two countries had been so dissimilar, that it would have been strange if no disputes had arisen between them.

Both countries had submitted to a Norman Conquest, but the process by which England had been welded into a nation only served to perpetuate the distractions of Ireland. To the astonishment of their contemporaries, the great-grandchildren of the invaders sank, except in the immediate neighbourhood of Dublin, into the savage and barbarous habits of the natives. The disease under which England had suffered during the evil days of the reign of Stephen became the chronic disorder of Ireland. Every man whose wealth or influence was sufficient to attract around him a handful of armed men, was in possession of a power which knew no limits except in the superior strength of his neigh-

The Norman Conquest of Ireland

bours. Every castle became a centre from whence murder, robbery, and disorder spread over the wretched country like a flood. Against these armed offenders no law was of any avail, for no authority was in existence to put it in execution. In adopting the lawlessness of the natives, the descendants of the invaders also adopted their peculiarities in dress and manners. The English Government complained in vain of what they called the degeneracy of their countrymen. The causes of this degeneracy, which were so dark to them, are plain enough to us. Between the conquest of England and the conquest of Ireland there was nothing in common but the name. The army of William was obliged to maintain its organization after the Conquest, as the only means by which the English nation could be kept in check ; and in the Middle Ages organization and civilisation were identical. In Ireland no such necessity was felt. No Irish nation, in the proper sense of the word, was in existence. There were numerous septs which spoke a common language, and whose customs were similar ; but they were bound together by no political tie sufficiently extensive to embrace the whole island, nor were they united by any feelings of patriotism. Each petty chief, with his little knot of armed followers, was ready enough to repel invasion from his own soil, but he was by no means eager to assist his neighbour against the common enemy. If he had any interest in the conflict at all, he would probably be not unwilling to see the chieftain of the rival sept humbled by the powerful strangers from England.

differed from the Norman Conquest of England.

There was, therefore, amidst the general disunion of the Irish. no sufficient motive to induce the conquerors to maintain what organization they may have brought with them. No fear of any general rising urged them to hold firmly together. In some parts of the country, indeed, the native chieftains regained their ancient possessions. Such cases, however, were of merely local importance. A Fitzgerald or a Bourke did not feel himself less strong in his own castle because some inferior lord had lost his lands. On the other hand, if the O'Neill or the O'Donnell could hold his own at home, he did not trouble himself about

Causes of the degeneracy of the conquerors.

the fate of the other septs of the neighbourhood. It mattered little to the unfortunate peasants, who tended their cattle over the bogs and mountains, from which race their oppressors came. Everywhere bloodshed and confusion prevailed, with their usual attendants, misery and famine.

The only chance of introducing order into this chaos was the rise of a strong central government. But of this there did not seem to be even the most distant probability. The power of the Lord-Deputy was only sufficient to maintain order in the immediate vicinity of Dublin; and the King of England wanted both the will and the means to keep on foot, at the expense of the English nation, a force sufficiently large to overawe his disorderly subjects in Ireland. Occasionally a spasmodic effort was made to reduce Ireland to submission by an expedition, conducted either by the King in person, or by one of the princes of the blood. But the effects of these attempts passed away as soon as the forces were withdrawn, and at last, when the war of the Roses broke out, they ceased altogether.

Want of a central government.

Unfortunately, what efforts were made, were made altogether in the wrong direction. Instead of accepting the fact of the gradual assimilation which had been working itself out between the two races, the Government, in its dislike of the degeneracy of the descendants of the settlers, attempted to widen the breach between them and the native Irish. Statutes, happily inoperative, were passed, prohibiting persons of English descent from marrying Irish women, from wearing the Irish dress, and from adopting Irish customs. If such statutes had been in any degree successful, they would have created an aristocracy of race, which would have made it more impossible than ever to raise the whole body of the population from the position in which they were.

Measures to check the degeneracy of the English in Ireland.

The only hope which remained for Ireland lay in the rough surgery of a second conquest. But for this conquest to be beneficial, it must be the work not of a new swarm of settlers, but of a Government free from the passions of the colonists, and determined to enforce equal

The second conquest of Ireland.

justice upon all its subjects alike. The danger which England incurred from foreign powers in consequence of the Reformation, compelled the English Government to turn its attention to Ireland. That Ireland should form an independent kingdom was manifestly impossible. The only question was, whether it should be a dependency of England or of Spain. Unhappily Elizabeth was not wealthy enough to establish a government in Ireland which should be just to all alike. Much was left to chance, and brutal and unscrupulous adventurers slaughtered Irishmen and seized upon Irish property at random.

Ireland was governed by a succession of officials whose term of office was never very long. As is generally the case under such circumstances, there were two distinct systems of government, which were adopted in turn. One Lord-Deputy would attempt to rule the country through the existing authorities, whether of native or of English descent. Another would hope to establish the government on a broader basis by ignoring these authorities as far as possible, and by encouraging their followers to make themselves independent. Sir William Fitzwilliams, who was appointed Deputy in 1586, made it the main object of his policy to depress the native chiefs. This was in itself by far the more promising policy of the two, but it required to be carried out with peculiar discretion, and, above all, it could only be successful in the hands of a man whose love of justice and fair dealing was above suspicion. Unfortunately this was not the case with the Deputy. He was guilty of the basest perfidy in seizing and imprisoning some of the chiefs, and he not only accepted bribes from them, but had the meanness not to perform his part of the bargain, for which he had taken payment. Such conduct as this was not likely to gain the affections of any part of the population. The spirit of mistrust spread further under successive Deputies, till in 1598 the news that an English force had been defeated at the Blackwater roused the whole of Ireland to revolt. Never had any Irish rebellion assumed such formidable proportions, or approached so nearly to the dignity of a national resistance. At the head of the rebellion were the

Government of Sir W. Fitzwilliams,

1598.

two great chiefs of the North, the O'Neill and the O'Donnell, the former of whom now threw off the title with which Elizabeth had decorated him, in the hope that he would be an object of more veneration to his countrymen, under his native appellation than by his English title of Earl of Tyrone. A considerable army was despatched from England to make head against them, but Elizabeth insured the failure of her own forces by intrusting them to the command of Essex.

1599.

His successor, Charles Blount, Lord Mountjoy, was a Deputy of a very different character. He was known among the courtiers as a man of studious disposition, and was considered as little likely to distinguish himself in active life. Elizabeth, however, with the discernment which rarely failed her, excepting when she allowed her feelings to get the mastery over her judgment, selected him for the difficult post. It would have been impossible to find a man more fit for the work which lay before him. Unostentatious and conciliatory in manner, he listened quietly to every one's advice, and after weighing all that had been advanced, formed his own plans with an insight into the real state of affairs of which few others were capable, even in that age of statesmen and captains. His designs, when once formed, were carried out with a resolution which was only equalled by the vigour of their conception.

Lord Mountjoy in Ireland.

When Mountjoy landed in Ireland, he could scarcely command a foot of ground beyond the immediate vicinity of the Queen's garrisons. In three years he had beaten down all resistance. A large Spanish force, which had come to the assistance of the insurgents, had been compelled to capitulate. The Irish chiefs who had failed to make their peace were pining in English dungeons, or wandering as exiles, to seek in vain from the King of Spain the aid which that monarch was unable or unwilling to afford. The system by which such great results had been accomplished was very different from that which had been adopted by Essex. Essex had gathered his troops together, and had hurled them in a mass upon the enemy. The Irish rebellion was not sufficiently organized to make the most successful blow struck in one

1600. Feb. 25.

quarter tell over the rest of the country, nor was it possible to maintain a large army in the field at a distance from its base of operations. Mountjoy saw at a glance the true character of the war in which he was engaged. He made war upon the Irish tribes more with the spade than with the sword. By degrees, every commanding position, every pass between one district and another, was occupied by a fort. The garrisons were small, but they were well-provisioned, and behind their walls they were able to keep in check the irregular levies of a whole tribe. As soon as this work was accomplished, all real power of resistance was at an end. The rebels did not dare to leave their homes exposed to the attacks of the garrisons. Scattered and divided, they fell an easy prey to the small but compact force of the Deputy, which marched through the whole breadth of the land, provisioning the forts, and beating down all opposition in its way.

Horrible character of the war.

The war was carried on in no gentle manner. Mountjoy was determined that it should be known that the chiefs were without power to protect their people against the Government. He had no scruple as to the means by which this lesson was to be taught. Famine or submission was the only alternative offered. The arrival of an English force in a district was not a temporary evil which could be avoided by skulking for a few weeks in the bogs and forests which covered so large a portion of the surface of the country. Wherever it appeared, the crops were mercilessly destroyed, and the cattle, which formed the chief part of an Irishman's wealth, were driven away. Then, when the work of destruction was completed, the troops moved off, to renew their ravages elsewhere. It is impossible to calculate the numbers which perished under this pitiless mode of warfare. From Cape Clear to the Giant's Causeway, famine reigned supreme. Strange stories were told by the troopers of the scenes which they had witnessed. Sometimes their horses were stabbed by the starving Irish, who were eager to feast upon the carcases. In one place they were shocked by the unburied corpses rotting in the fields. In another, they discovered a band of women who supported a wretched existence

by enticing little children to come amongst them, and massacring them for food.

1603. Submission of Ireland.

Before the spring of 1603, all was over. In the south, Sir George Carew, the President of Munster, had reduced the whole country to submission.[1] In the north, the Lord Deputy himself had been equally successful. On April 8, Tyrone came in to make his submission, and with him all resistance in Ulster was at an end, O'Donnell having died at Simancas in the preceding autumn. When Tyrone arrived in Dublin, he was met by the news of the death of Elizabeth. The letter announcing her decease arrived in Ireland on the 5th. Within an hour after Mountjoy had read it, King James was proclaimed through the streets of the capital.[2]

Mountjoy wishes to return to England.

The Deputy had achieved the difficult task which had been laid upon him. He had no desire to grapple with the still more difficult questions which were now pressing for solution. Enormous as had been the results which he had accomplished, the organization of his conquest into a civilised community required still greater labour and thought, and demanded the exercise of powers of a very different order. He himself was desirous to return to his country with the honours which he had acquired, and to leave to others the difficulties which were rising around him. He was drawn in the same direction by the unhallowed ties which bound him to Lord Rich's wife. The first petition which he made to the new sovereign was a request to be relieved from his office.[3]

Before he received an answer, he was called away to repress commotions which had arisen in an unexpected quarter. For some time, the inhabitants of the seaport towns had felt con-

[1] On March 26 Balingarry was the only castle which still held out. Wilmot to Carew, March 26, *Irish Cal.* i. 6. The reference is to the Calendar of Irish State Papers by Messrs. Russell and Prendergast, where the proper reference to the original documents will be found.

[2] Mountjoy to the Council, April 6, *ibid.* i. 10.

[3] Memorial enclosed in Mountjoy's letter to the Council, April 6, 1603, *ibid.* i. 11.

siderable dissatisfaction with the proceedings of the Government. Their grievances were very different from those which gave rise to the discontent of the great chiefs and their followers. The chiefs knew well that the efforts of the Government at Dublin would be exerted in favour of their dependents, and that every advantage gained by the population over which they ruled, would diminish their own excessive and arbitrary power. They hated the English, therefore, with the hatred with which an abolitionist is regarded by a slave-owner. But the disaffection which prevailed in Cork and Waterford is to be traced to a different origin. It was not that the tendencies of the Government were too far advanced for the towns, but that they were themselves too far advanced for the Government under which they were living. They occupied in Ireland the same position as that which is now occupied in India by the non-official English. The general circumstances of the country required a strong executive, and it was necessary that the executive should determine questions which were absolutely unintelligible to the merchants of the towns. Yet though it was impossible to give them that influence over the Government of Ireland which was exercised by the citizens of London and Plymouth over the Government of England, it was inevitable that the weight of the Deputy's rule should press hardly upon them.

Dissatisfaction in the towns.

That the Government should act wisely upon all occasions was not to be expected. A blunder which had lately been committed, with the most excellent intentions, had given rise to well-founded complaints. In order to starve out the rebels, it had been proposed that the coinage should be debased, and that this debased coin should be exchangeable in London for good money by those who obtained a certificate of their loyalty from the Irish Government. After some hesitation, Elizabeth gave in to this scheme. The Irish, or 'harp,' shillings, as they were called, had always been worth only ninepence in English money. Shillings were now coined which were worth no more than threepence. It was supposed that if they fell into the hands of rebels, they would be worth no more than their own intrinsic

Their grievances.

The debased coinage.

value, whereas in the hands of loyal subjects they would bear the value which they would command in London. As might have been foreseen, this proved to be a mistake. Even if the English Exchequer had made its payments with the regularity with which payments are now made at the Bank of England, the necessity of obtaining an order from the Government at Dublin, and of sending to England for the good coin, would have depreciated the new currency far below its nominal value. But such were the difficulties thrown in the way of those who wished to obtain payment from the impoverished Exchequer, that the currency soon fell even below the value which it really possessed. The misery caused by this ill-considered scheme spread over all Ireland. Government payments were made in the new coinage at its nominal value. The unhappy recipients were fortunate if they could persuade anyone to accept as twopence the piece of metal which they had received as ninepence. Gentlemen were forced to contract their expenditure, because it was impossible to obtain money which would be received by those with whom they dealt.[1] But whilst the rebels, against whom the measure was directed, felt but little of its effects, the greatest part of the evil fell upon the townsmen, whose trade was interrupted by the irregularity of the currency.

The garrisons disagreeable to the towns.

In addition to the evils caused by this unfortunate error, some of the towns complained of the presence of soldiers, who were in garrison either within their walls or in their immediate neighbourhood. It was necessary that the Government should have the command of the ports by which foreign supplies might be introduced into the country. Garrisons were accordingly maintained in the port-towns, and soldiers were occasionally billeted upon the inhabitants. The presence of a garrison was by no means desirable in days when soldiers were levied for an uncertain term of service, and when, consequently, armies were composed, far more than at present, of men of a wild and reckless character.

[1] Lord Slane, for instance, was obliged to send for his son, who was being educated in England, on account of his inability to maintain him. Slane to Cecil, March 24, 1603, *S. P. Irel.* i. 4.

But even if the soldiers had been models of order and sobriety, they could not have failed to be disagreeable to the citizens, who knew that, in the presence of an armed force, what liberties they had would wither away, and that their lives and fortunes would be dependent upon the arbitrary will of the Government. The feeling was natural; but the time was not yet come when their wishes could, with safety, be gratified. The withdrawal of the English troops would have been the signal for general anarchy, in which the citizens of the towns would have been the first to suffer.

The churches in the hands of Protestants.

To these causes of dissatisfaction was added the religious difficulty. Protestantism had never been able to make much way in Ireland. In large districts the mass of the people were living in a state of heathenism. Wherever there was any religious feeling at all, the people had, almost to a man, retained their ancient faith. Even if other causes had predisposed the Irish to receive the new doctrines, the mere fact that Protestantism had come in under the auspices of the English Government would have been sufficient to mar its prospects. In general, the Irish in the country districts were allowed to do pretty much as they liked; but in the towns, though the Catholics were permitted to abstain from attending the churches, the churches themselves were in the hands of the Protestant clergy, and the Catholic priests were obliged to perform their functions in private.

Proceedings at Cork.

The disaffection, which had long been smouldering, broke out into a flame even before the death of Elizabeth. A company of soldiers was ordered to Cork, to assist in building a new fort on the south side of the town. Sir Charles Wilmot and Sir George Thornton, who, in the absence of Sir George Carew, executed the office of President of Munster, sent a warrant to the mayor to lodge them in the city. The mayor was induced by the recorder, John Mead, a great opponent of the English, to shut the gates in their faces. The soldiers succeeded in forcing their way into the city, but were compelled to pass the night in a church. In reporting these occurrences to the President, the Commissioners had to add that the corporation had torn down the proclamation

ordering the use of the base coinage, that the citizens had closed their shops, and that they had refused to sell their goods unless they were paid in good coin.[1]

Disputes between the corporation and the soldiers.

Upon receiving the news of the Queen's death, the mayor, after some hesitation, published the proclamation of the accession of the new King.[2] On April 13, he wrote to Mountjoy, complaining of the disorderly conduct of the soldiers at the fort of Haulbowline, which guarded the entrance to the upper part of the harbour. He requested that the fort might be intrusted to the care of the corporation. A few days later the citizens demanded the restoration of two pieces of ordnance which had been carried to Haulbowline without the licence of the mayor, and threatened that, unless their property were surrendered to them, neither munitions nor provisions should pass into the fort. The garrison agreed to give up these guns, on condition that two others which were lying in the town, and which were undoubtedly the property of the King, should be surrendered in exchange. At first the mayor, hoping to starve out the garrison, refused; but upon the introduction of provisions from Kinsale, the exchange was effected.[3]

Proposed league between the towns.

Meanwhile Mead was doing his utmost to incite the neighbouring cities to make a stand for liberty of conscience, and for the restoration of the churches to the old religion. At Cork, on Good Friday, priests and friars passed once more through the city in procession. They were accompanied by the mayor and aldermen, and by many of the principal citizens. In the rear came about forty young men scourging themselves.[4] At Waterford the Bibles and

[1] Wilmot and Thornton to Carew, March 24, enclosing Captain Flower's relation, *Irish Cal.* i. 2.

[2] Mayor of Cork to Mountjoy, April 13, enclosed by Mountjoy to Cecil, April 26, *Irish Cal.* i. 40; Annals of Ireland, *Harl. MSS.* 3544. This MS. contains the earlier portion of Farmer's work, of which the later part only is printed in the Desiderata Curiosa Hibernica. He seems to have been an eye-witness of the scenes at Cork.

[3] Boyle to Carew, April 20, *Irish Cal.* i. 36.

[4] The description of the scene by the author of the *Annals* is a good specimen of the manner in which these ceremonies were regarded by the

Books of Common Prayer were brought out of the cathedral and burnt. At Limerick, Wexford, and Kilkenny mass was openly celebrated in the churches.

The magistrates of these towns felt that they were not strong enough to carry out the undertaking which they had commenced. They accordingly wrote to the Deputy, excusing themselves for what had been done.[1]

Mountjoy was by no means pleased with the work before him. He wrote to Cecil that he was determined to march at once against the towns, but that he knew that if they resisted he should have great difficulty in reducing them. His army could only subsist upon supplies from England, and he had never been worse provided than he was at that moment. He had in his time 'gone through many difficulties,' and he hoped to be able 'to make a shift with this.' The condition of the currency was causing universal discontent; the base money was everywhere refused. He knew 'no way to make it current' where he was 'but the cannon.' He hoped soon to be relieved of his charge. He had 'done the rough work, and some other must polish it.'[2]

The Deputy left Dublin on the 27th. He took with him eleven hundred men. On the 29th he was met by the Earl of Ormond. At the same time, the chief magistrate of Kilkenny came to make his submission, and to attribute the misconduct of the citizens to the persuasions of Dr. White, a young priest from Waterford. The Deputy pardoned the town, and passed on to Waterford. On May 1 he encamped within three miles of the city. He was met by a deputation demanding toleration, and requesting him not to enter the town with a larger number of soldiers than the magistrates should agree to admit. In support of this request, they produced a charter granted to them by King John. The clause upon which they relied granted it as a privilege to the town of Waterford, that the Deputy should not, without

April 27. Mountjoy marches against the towns.

ordinary Protestant. He takes care to mention that the scourgers did not strike themselves too hard.

[1] Mountjoy to Cecil, April 26, *Irish Cal.* i. 40.

[2] Mountjoy to Cecil, April 25, *ibid.* i. 38.

their consent, bring within their walls any English rebels or Irish enemies. Mountjoy, of course, refused to be bound by any such clause as this. Next day he crossed the Suir, and approached the town. Dr. White came to him to try the effect of his arguments. The Deputy pushed him with the usual question, whether it was lawful to take arms against the King for the sake of religion. On White's hesitating to answer, Mountjoy replied in language which now sounds strange in our ears, but which in those days truly expressed the belief with which thousands of Englishmen had grown up during the long struggle with Rome. "My master," he said, "is by right of descent an absolute King, subject to no prince or power upon earth, and if it be lawful for his subjects upon any cause to raise arms against him, and deprive him of his Royal authority, he is not then an absolute King, but hath only *precarium imperium*. This is our opinion of the Church of England."

Submission of Waterford.

In the evening the gates were thrown open. Mountjoy delivered to the marshal for execution one Fagan, who had been a principal fomenter of the disturbances; but even he was pardoned at the intercession of his fellow-townsmen.[1]

Wexford submitted, upon a letter from the Deputy.[2] Sir Charles Wilmot, hurrying up to Cork from Kerry, had secured Limerick on his way.[3] From Cork alone the news was unsatisfactory. On April 28, the citizens discovered that Wilmot was intending to put a guard over some of the King's munitions which were within the city. A tumult ensued, and the officers in charge of the munitions were put in prison. The word was given to attack the new fort, which was still unfinished. Eight hundred men threw themselves upon the rising walls, and almost succeeded in demolishing the gatehouse before Wilmot had time to interfere. Wilmot, who had no desire to shed blood, ordered his soldiers not to fire. As

Disturbance at Cork.

[1] Mountjoy and the Irish Council to the Council, May 4; Mountjoy to Cecil, May 5, *Irish Cal.* i. 48, 53. *Harl. MSS.* 3544.

[2] Mountjoy to Cecil, May 4, *Irish Cal.* i. 49.

[3] Wilmot to Carew, May 7, 1603, *ibid.* i. 59.

soon, however, as the townsmen began firing at them, it was impossible to restrain them any longer. Discipline asserted its power, and the citizens were driven headlong into the town.[1] Wilmot and Thornton threw themselves into the Bishop's house, where they awaited the Deputy's arrival. Whilst there they were exposed to the fire from the guns of the city, but no great damage was done.

On Mountjoy's arrival, the city immediately submitted.[2] All resistance in this ill-calculated movement was at an end.

Submission of Cork.

The rebels were treated with leniency. Three only of the leaders were executed by martial law. Mead, the principal instigator of the rebellion, was reserved for trial. If, however, Mountjoy expected that the most convincing evidence could obtain a conviction from an Irish jury, he was mistaken. At the trial, which took place at Youghal in the following December, the prisoner was acquitted. The jurymen were summoned before the Castle Chamber at Dublin, the Court which answered to the English Star Chamber, and were heavily fined. They were forced to appear at the sessions which were being held at Drogheda with papers round their heads, which stated that they had been guilty of perjury. This exhibition was to be repeated at the next sessions held at Cork amongst their friends and neighbours. They were also condemned to imprisonment during the pleasure of the Government.[3]

His work being thus successfully brought to a conclusion, Mountjoy received permission to leave his post. On his arrival

Mountjoy's return.

in England, he was created Earl of Devonshire, and admitted to the Privy Council. As a special reward for his services, he obtained the honorary title of Lord-Lieutenant of Ireland, to which a considerable revenue was attached. During the few remaining years of his life, he continued to de-

[1] Walley to Carew, May 6, *Irish Cal.* i. 55. Lady Carew, who was in the neighbourhood, showed no signs of timidity. She began a letter to her husband with these words, "Here is great wars with Cork, and I am not afraid," May 5, 1603, *S. P. Irel.* 54.

[2] Mayor of Cork to Cecil, May 26, *Irish Cal.* i. 67.

[3] *Harl. MSS.* 3544. Carey to Cecil, April 26, 1604, *Irish Cal.* i. 240.

vote much attention to the affairs of Ireland, and carried on a constant correspondence with the Deputies who succeeded him. His last years were not happy. Shortly after his arrival in England, Lady Rich left her husband, and declared that Devonshire was the father of her five children. Upon this Lord Rich obtained a divorce, and on December 26, 1605, she was married to the Earl of Devonshire by his chaplain, William Laud, who was afterwards destined to an unhappy celebrity in English history. The validity of the marriage was exceedingly doubtful,[1] and Devonshire himself only survived it a few months.

Sir George Carey appointed Deputy.

The post of Deputy was at first given to Sir George Carey, who had held the office of Treasurer-at-War. He, too, was anxious to return to England, and it is not unlikely that his appointment was only intended to be of a temporary nature. One great reform marked the short term of his office. No sooner was he installed than he pressed the English Government to put an end to the miseries unavoidably connected with the depreciation of the currency.[2] At first, half-measures were tried. Orders were given to the Warden of the Mint to coin shillings which were to be worth ninepence, whilst their nominal value was to be twelvepence. The old base shillings, which in reality were worth only threepence, were expected to pass for fourpence.[3] Against these proceedings Carey immediately protested.[4] He was allowed to have his way. The new Irish shillings were declared by proclamation to be exchangeable, as they had originally been, for ninepence of the English standard.[5] It was not, however, till the autumn of the next year that the base

The currency restored.

[1] The Ecclesiastical Courts only pronounced divorces *a mensâ et thoro* for adultery, and parties so divorced were prohibited by the 107th Canon from remarrying. The decree of the Star Chamber in the case of Rye *v.* Fuljambe (Moore, 683) was on the same side of the question. On the other hand Parliament had refused to consider such remarriages as felony (1 Jac. I. cap. 2).

[2] Carey and Irish Council to the Council, June 4, *Irish Cal.* i. 71.

[3] Proclamation, Oct. 11, *ibid.* i. 146.

[4] Carey to Cecil, Oct. 14, *ibid.* i. 149.

[5] Proclamation, Dec. 3, *ibid.* i. 170.

money was finally declared to be exchangeable at no more than its true value.[1]

At last Carey obtained the object of his wishes. In July 1604, leave of absence was granted him, which was followed, in October, by his permanent recall.[2]

The man who was selected to succeed him was Sir Arthur Chichester. A better choice could not have been made. He possessed that most useful of all gifts for one who is called to be a ruler of men—the tact which enabled him to see at once the limits which were imposed upon the execution of his most cherished schemes, by the character and prejudices of those with whom he had to deal. In addition to his great practical ability, he was supported by an energy which was sufficient to carry him through even the entangled web of Irish politics. Whatever work was set before him, he threw his whole soul into it. He would have been as ready, at his Sovereign's command, to guard an outpost as to rule an empire. He had already distinguished himself in the war which had just been brought to a conclusion. At an earlier period of his life, he had commanded a ship in the great battle with the Armada, and had served under Drake in his last voyage to the Indies. He took part in the expedition to Cadiz, and had served in France, where he received the honour of knighthood from the hands of Henry IV. Shortly afterwards, when he was in command of a company in the garrison of Ostend, Elizabeth, at Cecil's recommendation, gave him an appointment in Ireland. Mountjoy, who knew his worth, made him Major-General of the Army, and gave him the governorship of Carrickfergus, from whence he was able to keep in submission the whole of the surrounding country. The King's letter,[3] appointing Chichester to the vacant office, was dated on October 15, 1604. Stormy weather detained the bearer of his

Appointment of Chichester as Carey's successor.

[1] Note in Cecil's hand to the 'Memorials for Ireland,' Aug. 20, 1604, *S. P. Irel.* 324.

[2] The King to Carey, July 16. The King to Carey and the Irish Council, Oct. 15, *Irish Cal.* i. 295, 361.

[3] *Account of Sir A. Chichester*, by Sir Faithful Fortescue. Printed for private circulation, 1858.

commission at Holyhead for many weeks, and it was not till February 3 that the new Deputy received the sword of office.[1]

1605.

Hopeless as the condition of the country might seem to a superficial observer, Chichester saw its capabilities, and felt confidence in his own powers of developing them. He perceived at once the importance of the task. It was absurd folly, he wrote a few months later, to run over the world in search of colonies in Virginia or Guiana, whilst Ireland was lying desolate. The reformation and civilisation of such a country would, in his opinion, be a greater honour for the King than if he could lead his armies across the Channel and could reduce the whole of France to subjection.[2]

Social condition of Ireland.

Theory of landed property.

The difficulties under which Ireland laboured were social rather than political. The institutions under which a large part of the soil was held in Ireland were those under which the greater part of the earth has at one time or other been possessed. When a new tribe takes possession of an uninhabited region, they generally consider the land which they acquire as the property of the tribe. Private property in the soil is at first unknown. A considerable part of the population support themselves by means of the cattle which wander freely over the common pasture-land of the tribe, and those who betake themselves to agriculture have no difficulty in finding unoccupied land to plough. As long as land is plentiful, it is more advantageous to the agriculturist to be freed from the burdens of ownership. When the soil has become exhausted by a few harvests, it suits him better to move on, and to make trial of a virgin soil. As population increases, the amount of land available for cultivation diminishes. To meet the growing demand, improved methods of agriculture are necessary, which can only be put in practice where the land has passed into private ownership.

In a large part of Ireland this change had not yet thoroughly taken place. No doubt the chiefs, and other personages

[1] Bingley to Cranborne, Jan. 9, 1605, *Irish Cal.* i. 412; *Harl. MSS.* 3544.

[2] Chichester to Salisbury, Oct. 2, 1605, *Irish Cal.* i. 545.

favoured by the chiefs, held land with full proprietary rights. But the bulk of the lands were held under a form of territorial communism, which was known to English lawyers by the ill-chosen name of the Irish custom of gavelkind. Upon the death of any holder of land, the chief of the sept was empowered, not merely to divide the inheritance equally amongst his sons, as in the English custom of gavelkind, but to make a fresh division of the lands of the whole tribe. Such a custom excited the astonishment of English lawyers, and has ever since caused great perplexity to all who have attempted to account for it. In all probability, it was but seldom put in practice. The anarchy which prevailed must have stood in the way of any appreciable increase of the population, and when land was plentiful, the temptation to avail themselves of the custom can hardly ever have presented itself to the members of the sept. Meanwhile the tradition of its existence kept up the memory of the principle that land belonged to the sept, and not to the individuals who composed it.

The Irish custom of gavelkind.

When, therefore, the judges pronounced that the custom was barbarous and absurd, and contrary to the common law of England,[1] which was now declared to be law over the whole of Ireland, they put the finishing stroke to a system which the Irish were attached to by ties of habit, though it is possible that by judicious treatment they might have been easily persuaded to abandon it.

It is condemned by the judges.

Such a change, indeed, rooted as the old system was in the habits of the people, required the utmost delicacy of treatment. The difficulty which Chichester was called upon to confront was considerably increased by the connection which existed between the tenure of land and the political institutions of the septs. Originally, no doubt, the power of the chief was extremely limited ; but limited as it might be, it was necessary that he should be a man of full age, in order to preside over the assembly of the sept and to lead its forces in the field. In Ireland, as in other parts of the world, an attachment was formed in each tribe to one family ;

The septs and the chiefs.

[1] Davies' Reports. Hil. 3 Jac.

but, a strictly hereditary succession being impossible, it became the custom to elect as successor to the chief, the one amongst his relatives who appeared best qualified to fulfil the functions of the office. The relative thus designated was called the Tanist. The chief had originally been nothing more than the representative of the sept. In process of time he became its master. The active and daring gathered round him, and formed his body-guard. The condition of the Irish peasant, like that of the English peasant before the Norman Conquest, grew worse and worse. At the beginning of the seventeenth century, he still held the theory that the land belonged to the cultivator. Little, however, of the small amount of wealth which Irishmen possessed consisted of cultivated land. Herds of cattle roamed over the wide pasture-lands of the tribe, and when land was worthless cattle were valuable. In time of war they fell into the hands of the chief who captured them, and these he delivered out to those whom he might favour. Those who received them, who 'took stock' of him, as the phrase went, were bound to him as a vassal in feudal Europe was bound to his lord. They were under obligation to support his cause, and to pay him a certain rent in cattle or money. In law, the chief had no right to anything more than to certain fixed payments. In practice everthing depended upon the mere will of the chief. and his arbitrary exactions appeared even in the guise of settled customs, and obtained regular names of their own. Under the name of coigne and livery, the chief might demand from the occupier of the land support for as many men and horses as he chose to bring with him. But, oppressive as such a custom was, it was as nothing to the unrecognised abuses which were continually occurring. Under such a condition of things, it was impossible for any salutary change in the tenure of land to be effected. If the cultivators were to obtain any fixed interest in the soil, it was necessary that the chiefs should obtain a similar interest. They must cease to be chiefs, and they must become landowners. As such, they must be led to take an interest in their estates, which they could not feel as long as they only held them for life. In other words, the custom of Tanistry must be abolished.

The English Government had long been alive to the importance of the alteration required. In 1570 an Act had been passed, establishing a form by which Irish lords might surrender their lands, and receive them back to be held under English tenure. In many cases this permission had been acted upon. In other cases lands forfeited by rebellion had been regranted, either to English colonists or to loyal Irishmen. In every case the grants were made only upon condition that the new lord of the soil should assign freeholds to a certain number of cultivators, reserving to himself a stipulated rent. By this transaction each party profited. The new lord of the manor lost, indeed, with his independent position, the privilege of robbing his followers at pleasure; but, under the old system, the property of his followers must have been extremely small, and, with the increasing influence of the English Government, his chances of being able to carry out that system much longer were greatly diminished. In return for these concessions, he gained a certainty of possession, both over the rents, which would now be paid with regularity, and over the large domains which were left in his own hands, and which would become more valuable with the growing improvement in the condition of the surrounding population. Above all, he would be able to leave his property to his children. The new freeholders would gain in every way by the conversion of an uncertain into a secure tenure. The weak point in the arrangement lay in the omission to give proprietary rights to every member of the sept, so as to compensate for his share of the tribal ownership, of which he was deprived. The precaution of building up a new system on the foundations of the old, was precisely that saving virtue which the men of the seventeenth century were likely to neglect.

The Government anxious to abolish tanistry,

It was indeed with no ill-will to the natives that the English Government was animated. Even those who set in motion the rule of the Council-table and the Castle Chamber were by no means desirous to extend unnecessarily the functions of the central Government. They wished that Ireland should become the sister of England, not her servant. The two countries were to be one,

and to extend the privileges of the English Constitution.

as England and Wales were one, as it was hoped that, one day, England and Scotland would be one. They were ready enough to deal harshly with factious Parliaments, and to fine perjured juries; but they did not imagine it possible to civilise the country without all the machinery of freedom in the midst of which they had themselves grown up. The moment that they saw any prospect of converting the wandering Irish into settled proprietors, they were anxious to put the whole ordinary administration of the country into their hands. The new freeholders were to furnish jurymen, justices of the peace, and members of Parliament. If they were called upon to perform functions for which they were hardly fitted, at all events the mistake was one upon the right side.

Progress during the reign of Elizabeth.

During the reign of Elizabeth, in spite of many errors, considerable progress had been made. When Chichester entered upon his office, the greater part of Leinster was in a settled and orderly condition. In the spring of 1604, assizes had been held in different parts of the province, and it was found that the gentlemen and freeholders were able to despatch business as well as persons of the same condition in England.[1] But even in Leinster there were exceptions to the general tranquillity. The counties of Carlow and Wexford were overawed by a band of eighty or a hundred armed men, who found hiding-places for themselves and a market for their plunder amongst the Cavanaghs and the Byrnes. The latter sept, with that of the Tooles, still possessed, after the Irish fashion, the hilly country which is now known as the county of Wicklow, but which at that time had not yet been made shire-ground.

Condition of Leinster,

Of Munster,

In Munster there had been, during the late reign, great changes in the ownership of the land. Many of the Irish chiefs had been uprooted, and had given way either to English colonists, or to Irishmen who owed their position to the success of the English arms. Carew had been succeeded, as President, by Sir Henry Brouncker, a man of

[1] Davies to Cecil, April 19, 1604, *Irish Cal.* i. 236. He adds, "The prisons were not very full, and yet the crimes whereof the prisoners stood accused were for the most part but petty thefts."

vigour, who, though at times apt unnecessarily to provoke opposition, succeeded in maintaining good order in the province.

of Connaught,

Connaught was, fortunately, in the hands of a nobleman who, like the Earl of Thomond in Clare, was wise enough to see where the true interests of himself and of his country lay. The Earl of Clanrickard was the descendant of the Norman family of the Burkes or the De Burghs, which had been counted during the Middle Ages amongst the degenerate English. At an early age he had attached himself to the Government, and had remained constant during the years when the tide of rebellion swept over his patrimony, and seemed to offer him the fairest prospect of obtaining an independent sovereignty. He was now invested with the office of President of his own province. He exercised the whole civil and military authority in Connaught, but in the spirit of a dependent prince rather than in that of a subordinate officer. The Deputy was contented to know that things were going on well in that distant province, and prudently refrained from exercising a constant supervision over the acts of the President.

of Ulster.

If Chichester could look upon the condition of Connaught with complacency, it was far otherwise with regard to Ulster. It was difficult to say how civilisation was to be introduced into the northern province as long as barbarism was under the protection of the two great houses of the O'Neills and the O'Donnells. The head of the O'Neills, the Earl of Tyrone, had submitted on condition of receiving back his lands, with the exception of certain portions which were to be held by two of his kinsmen.[1] The last O'Donnell had died in exile, and his lordship of Tyrconnell was disputed between his brother Rory and Neill Garve O'Donnell, a more distant relative. The latter had taken the title of The O'Donnell, which was looked upon as a sign of defection from the English Crown. The progress

The O'Neills.

The O'Donnells.

[1] Henry Oge O'Neill and Tirlogh McHenry. Note by Mountjoy, April 8, 1603, *Irish Cal.* i. 16. Three hundred acres were also reserved for the fort at Charlemont, and the same quantity for the fort of Mountjoy.

of the war, however, made it plain that it would be impossible for either of the kinsmen to maintain himself without English aid. Upon Tyrone's submission, the competitors hastened to seek the favour of the Government.[1] Mountjoy at once decided in favour of Rory. Not only was he the heir to the lordship, according to English notions, but the character of his rival was not such as to prepossess the Deputy in his favour. Neill Garve was violent and ambitious, and was not likely to prove a submissive subject.[2] He was, however, indemnified by the grant of a large extent of land in the neighbourhood of Lifford, which had formerly belonged to the chief of the sept, but which was henceforth to be held directly of the Crown. Rory O'Donnell received the remainder of the territory of his predecessor, having agreed to give up any land which might be needed by the Government for the support of garrisons. When Mountjoy returned to England, he took the two chiefs with him. They were well received by James, by whom O'Donnell was created Earl of Tyrconnell, and they both returned with the full assurance that the Deputy's promises should be fulfilled.

During their absence, the Chief Baron, Sir Edward Pelham, went on circuit through Ulster. It was the first time that an English judge had been seen in the North, or that the peasantry had ever had an opportunity of looking upon the face of English justice. The results were, on the whole, satisfactory. He reported that he had never, even in the more settled districts near the capital, been welcomed by a greater concourse of people. He found that 'the multitude, that had been subject to oppression and misery, did reverence him as he had been a good angel sent from heaven, and prayed him upon their knees to return again to minister justice unto them.' When, however, he came to apply to the more powerful inhabitants, he found that the fear of Tyrone was still weighing heavily upon them. It was in vain that he pressed them to allow him to enrol them in the commission of the peace. They told him that it was impossible for them to take such a step without the permission of their chief.[3]

1603. The first circuit in Ulster.

[1] Docwra to Mountjoy, April 8, 1603, *Irish Cal.* i. 20.
[2] Mountjoy to Cecil, April 25, 1603, *ibid.* i. 38.
[3] Davies to Cecil, Dec. 1, 1603, *ibid.* i. 169.

The position which was occupied by the two earls could not long continue. They were not strong enough to be independent, and they were too proud to be subjects. It was only a question of time when the inevitable quarrel between them and the Government would break out. When Tyrone returned from England, he found that the cultivators of the land would no longer submit to the treatment which they had borne in silence for so many years. As soon as he attempted to renew his old extortions, a number of them fled for refuge to the protection of the English Government. Upon hearing what had happened, he demanded their surrender. He was told that they were not his bondmen or villains, but the King's free subjects.[1] It was by his own choice that he held back from holding his land by English tenure, and giving himself fixed rights over his tenants. He must take the consequences if they refused to submit to his irregular and exorbitant demands.

Position of the earls upon their return.

1604. The Government refuses to surrender Tyrone's tenants.

Another question between the great Earl and the Government arose from his refusal to allow the appointment of a sheriff in his county, as he justly regarded such a measure as the first step towards superseding his own rule by regular justice. At the same time, it must be allowed that he showed some activity in repressing thieves. He even went so far as to hang a nephew of his own.[2]

He declines to admit a sheriff in Tyrone.

In Donegal, Neill Garve was still master of the whole county in the spring of 1604. The new earl was lying quiet within the Pale, 'very meanly followed.' In Fermanagh, open war was raging between two of the Maguires, who were equally discontented with the share of land which had lately been allotted to them.

Neill Garve in Donegal.

The Maguires in Fermanagh.

The military force upon which Chichester could rely was not large. Ireland was a heavy drain upon the English Treasury, and, with peace, the army had been considerably reduced. The proportions in which these troops were allotted to the different provinces, show plainly

The army in Ireland.

[1] Davies to Cecil, April 19, 1604, *Irish Cal.* i. 236.

[2] Chichester to Cecil, June 8, 1604, *ibid.* i. 279.

where the real danger lay. The whole army consisted of three thousand seven hundred foot, and two hundred and twenty-nine horse. Of the infantry, five hundred men were sufficient to guard Connaught. Munster was held by nine hundred. Six hundred kept order in the neighbourhood of Dublin, and in the south of Leinster. Four hundred lay in Derry, and thirteen hundred were posted in the long line of forts by which Ulster was girdled round from Carrickfergus on St. George's Channel, to Ballyshannon on the Atlantic.[1] By these garrisons the North of Ireland was held as in a vice.

The Council.

In carrying out his plans Chichester had the assistance of a council, composed of persons who had long served the Crown, either in a civil or in a military capacity. They were active and industrious in the fulfilment of their duties; but none of them were men who rose above the level of an intelligent mediocrity. The only man of real ability, upon whom he could rely, was the new Solicitor-General, Sir John Davies. He had arrived in Ireland towards the end of 1603, and had at once thrown himself energetically into the work of civilising the country. His honesty of purpose was undoubted, and his great powers of observation enabled him at once to master the difficulties which were before him. The most graphic accounts which we possess of Ireland during the time of his residence in the country are to be found in his correspondence. He was indefatigable in his exertions. Far more than any of the more highly-placed law officers, he contributed to the decisions which were taken upon the legal and political questions which were constantly arising. Unhappily, his great powers were seriously impaired by one considerable defect: to a great knowledge of institutions he joined a profound ignorance of human nature. With him it was enough that he had the law upon his side, if he was sure that the law when carried out would be attended with beneficial consequences. It never occurred to him to consider the weaknesses and feelings of men, or to remember that justice is a greater gainer when a smaller measure of reform is willingly accepted,

Sir John Davies.

[1] List of the Army, Oct. 1, 1604, *Irish Cal.* i. 352. Another statement of the same date gives rather higher numbers.

than when a larger improvement is imposed by force. He was capable of becoming an excellent instrument in the hands of such a man as Chichester; but it might safely be predicted that if ever he should be able to induce the English Government to adopt a policy of his own, the most disastrous consequences would ensue.

Chichester had taken formal possession of his office on February 3, 1605. On the 20th he notified, by the issue of two proclamations, that the Deputy's sword had not fallen into sluggish hands.[1] The first began by reciting the abuses committed by the Commissioners for executing Martial Law, and by revoking the greater number of such commissions. The other proclamation was of far greater importance. Carey had issued an order for a general disarmament, by which alone it would be possible to maintain peace for any length of time. He had ordered that persons travelling on horseback should carry nothing more than a single sword, and that persons travelling on foot should carry no arms at all. But Carey had allowed his directions to remain a dead letter, excepting in Connaught where they had been enforced by Clanrickard.[2] Chichester now repeated these directions, and ordered that all who contravened them should be imprisoned, and their arms brought to the commander of the nearest fort. In order to interest the commanders in the seizure, it was added that they should be rewarded with half the value of the confiscated arms. Exceptions were made in favour of gentlemen of the Pale and their servants, of merchants following their trade, of known householders within the Pale, and, finally, of any loyal subject who might receive special permission to carry arms.

1605. The proclamation for the cessation of martial law, and for a general disarmament.

March 11. Proclamation of an amnesty,

These proclamations were shortly followed by another setting forth the principles upon which the government was to be carried on.[3]

Full pardon was at once granted for all acts committed

[1] Proclamations, Feb. 20, 1605, *Irish Cal.* i. 433, 434

[2] Davies to Cecil, April 19, 1604, *ibid.* i. 236.

[3] Proclamation, March 11, 1605, *ibid.* i. 448.

against the Government before the King's accession. The officers of the Government through whom the pardons passed were forbidden to extort anything beyond the regular fees.[1] No complaints of robberies or outrages committed before November 1, 1602, were to be listened to. The proclamation then turned to lay down, in plain and strong language, the policy of the Government towards the mass of the population. The Deputy promised to receive all poor persons under the King's protection, 'to defend them and theirs from the injuries, oppressions, and unlawful exactions of the chief lords and gentlemen of the several counties wherein they dwell, as also of and from the extortion and violence of all sheriffs, escheators, purveyors, and all other officers, ministers, and persons whatsoever which have, or pretend to have, any jurisdiction, authority, or power over them; and that as they are all His Highness' natural subjects, so will His Majesty have an equal respect towards them all, and govern them all by one indifferent law, without respect of persons.'

and of protection to the poor.

Coming to particulars, the proclamation then noted several abuses which prevailed. Since the rebellion, many lords and gentlemen had received grants of their lands, to be held by the English tenure. The patents were full of long phrases, as is usually the case with legal documents. These phrases had been interpreted by the landowners as giving them full power over their dependents. They proceeded to treat men whose ancestors had, as members of the sept, held land for generations, as if they were now no more than mere tenants-at-will. Another grievance was that the lords who received their lands back after losing them by attainder, not finding their tenants mentioned by name in the patents, pretended that the attainder included the tenants, whilst the pardon did not contain any reference to them at all. They inferred from this, that they were still affected by the attainder, and that their estates were now, by the new grant, vested in their lords. The Deputy declared these interpretations to be contrary to the in-

Tenants to be admitted to their full rights.

[1] A shilling in the case of a gentleman, and sixpence from any other person.

tention of the grants. He also adverted to the arbitrary exactions which were levied, under various high-sounding names, by the Irish lords. He declared that they were nothing better than an organised system of robbery. He told the lords that these proceedings were illegal, and he enjoined upon them to let their lands at fixed rents.

Arbitrary exactions to cease.

Another source of complaint was that the lords still retained powers in their hands which were inconsistent with the establishment of a settled government. It was therefore necessary to inform them that they were no longer to have the power of arresting their tenants for debt, or for any other cause, unless they were provided with a lawful warrant issued by the ordinary ministers of justice. They were not to levy fines on their tenants, excepting in such ways as the law allowed, nor to remove their tenants from one place to another against their will, nor to treat them otherwise than as freemen.

None but the legal redress of injuries to be permitted.

The proclamation then proceeded to sum up the whole substance of the English policy in the following words :—'To the end the said poor tenants and inhabitants, and every' one 'of them, may from henceforth know and understand that free estate and condition wherein they were born, and wherein from henceforth they shall all be continued and maintained, we do by this present proclamation, in His Majesty's name, declare and publish, that they and every' one 'of them, their wives and children, are the free, natural, and immediate subjects of His Majesty, and are not to be reputed or called the natives,[1] or natural followers of any other lord or chieftain whatsoever, and that they, and every' one 'of them, ought to depend wholly and immediately upon His Majesty, who is both able and willing to protect them, and not upon any other inferior lord or lords, and that they may and shall from henceforth rest assured that no person or persons whatsoever, by reason of any chiefry or seignory, or by colour of any custom, use, or prescription, hath, or ought to have, any interest in the bodies or goods of them, or any of

All Irishmen are immediate subjects of the Crown.

[1] *i.e.* serfs.

them ; and that all power and authority which the said lords of counties may lawfully claim or challenge is not belonging to their lordships, chiefries, or seignories, but is altogether derived from His Majesty's grace and bounty, whereby divers of the said lords have received, and do enjoy, their lands, lives, and honours ; and that His Majesty, both can and will, whensoever it seem good to his princely wisdom, make the meanest of his said subjects, if he shall deserve it by his loyalty and virtue, as great and mighty a person as the best and chiefest among the said lords. Howbeit we do, in His Majesty's name, declare and publish unto all and every the said tenants, or other inferior subjects, that it is not His Majesty's intent or meaning to protect or maintain them, or any of them, in any misdemeanour or insolent carriage towards their lords, but that it is His Majesty's express pleasure and commandment, that the said tenants and meaner sort of subjects, saving their faith and duty of allegiance to His Majesty, shall yield and perform all such respects and duties as belong and appertain unto the said lords, according to their several degrees and callings, due and allowed unto them by the laws of the realm.'[1]

Chichester goes into Ulster.

The Deputy knew well that mere words were not sufficient to carry out the noble policy which he had so deeply at heart. He accordingly determined to go in person into Ulster, accompanied by the Council and by some of the judges.

His proceedings at Armagh,

At Armagh, he persuaded O'Hanlon, who was the chieftain in that part of the country, to surrender his land, and to receive it under English tenure, upon condition of making freeholders.

[1] In a Memorial in the *Cott. MSS.* Tit. vii. 59, Chichester attributes to himself the suggestion of this proclamation. He had, however, obtained the King's consent before publishing it (see Chichester to Cranborne, March 12, *Irish Cal.* i. 450). Captain Philipps, in a letter to Salisbury (May 19, *ibid.* i. 480), says that he published it in Antrim. "The people will not endure any more wrongs of their chieftains and lords, but do presently search for redress, which they before durst never do, but were as bondmen. . . . As soon as I had the proclamation read among them there were many which complained against their chieftains and lords."

At Dungannon, he succeeded in inducing Tyrone to create his younger sons freeholders. He was soon besieged with petitions from the gentlemen of the county, requesting him to settle their differences with the earl. They desired to have their property completely in their own hands, and asserted that they had been freeholders beyond the memory of man. Tyrone, who took a different view of Irish tenure, declared that the whole country belonged to him. Chichester, perhaps to avoid giving offence to either party, told them that he had no time to consider the question then, but took care to order that the land should remain in the possession of the occupiers until his decision was given. From Dungannon he passed on to Lifford, where he persuaded the Earl of Tyrconnell and Neill Garve to submit their claims to his arbitration. To Neill Garve he assigned land to the extent of nearly thirteen thousand acres; the rest of the county was awarded to the earl. One exception was made. The Deputy was particularly struck with the situation of Lifford, and reserved it, not without giving umbrage to Tyrconnell,[1] for the purpose of establishing a colony there. The colony was to be composed of English and Scotch, and was to have attached to it a sufficient quantity of land to support the settlers, in order that they might not be dependent upon trade. Chichester was also successful in persuading Tyrconnell to create freeholders on his lands. Sir Cahir O'Dogherty, the most important of the lords dependent upon the earl, consented to adopt the same course in his own country in the peninsula of Innishowen.

at Dungannon,

and Lifford.

Besides the use which he made of his time in gaining over the great men of the North to accept the new order of things, the Deputy was active in inspecting the condition of the fortifications at the different forts, and in holding assizes at the chief towns through which he passed.

He inspects the fortifications.

Upon his return, Chichester sent a detailed report of his proceedings to the Government. He considered that he had

[1] Tyrconnell to Salisbury, [Sept. 30], *Irish Cal.* i. 539.

made some way, though he had not accomplished all that he could wish.[1] A few days later, the dark side of the picture seems to have been uppermost in his mind. One of his chief difficulties was that of obtaining persons sufficiently independent to be fit for the office of justice of the peace. No Irishman could, as yet, be expected to maintain equal justice between rich and poor, and the Englishmen who were at his disposal were, on account of the smallness of their pay, liable to the temptation of bribery. The remedy that occurred to him was the introduction of English and Scotch colonists. The abbey lands, still in the King's hands in Ulster, would put it into his power to introduce them without confiscating the property of a single Irishman.[2]

His report to the Government.

On his return to Dublin, Chichester found his attention called to a very different subject. During the greater part of the late reign no attempt had been made to compel the Irish Catholics to attend the Protestant service. There was indeed an Act in existence by which a fine of one shilling was imposed for every time of absence from church, but the impossibility of enforcing it over the greater part of the country, and the imprudence of making fresh enemies where it could have been imposed with less difficulty, had prevented the Government from taking any steps to put the law in force. In 1599, however, an attempt was made to enforce the fine, but the design was soon given up, greatly to the annoyance of the youthful Usher, who predicted that God's judgments would fall upon a country where Popery was allowed to exist unchecked.[3] But with the submission of

Practical toleration during the Queen's reign.

[1] Chichester and the Irish Council to the Council, Sept. 30, *Irish Cal.* i. 538.

[2] Chichester to Salisbury, Oct. 2 and 4, *ibid.* i. 545, 548.

[3] In preaching from Ezek. i. 6, he applied the forty years which are there spoken of to Ireland. 'From this year,' he said, 'will I reckon the sin of Ireland, that those whom you now embrace shall be your ruin, and you shall bear their iniquity.' It has been generally supposed that these words were spoken in 1601, and they have been considered to have been a prediction of the Rebellion of 1641; but Dr. Elrington has shown that the sermon cannot have been preached earlier than the end of 1602.—Usher's Works (1847), i. 23.

the whole island, a temptation was offered to those in power to avail themselves of the means which were in their hands to enforce attendance upon the services. They had a strong feeling of the benefits which would result if the Irish could be induced to accept the religion under which England had grown in moral stature, and they had no idea of the evils which attended the promulgation of truth itself by the strong hand of power.

Religious condition of Ireland.

The strength of the old faith lay chiefly with the upper classes of the principal towns, and with the inhabitants of the more civilised country districts. All those who would under a less centralised government have taken part in the administration of affairs, clung to the tenets of their ancestors as a symbol of resistance to foreign domination. In the wilder parts of the country that domination was rapidly becoming a blessing to the mass of the population, which was only loosely attached to any religious system at all; yet it may well be doubted whether the impressionable Irish Celt would ever have been brought to content himself with the sober religious forms which have proved too sober for considerable bodies of Englishmen.

1603. The Irish Bishops anxious to enforce the Recusancy Act.

Such a doubt was not likely to make itself heard at the beginning of the seventeenth century. Shortly after the accession of James, rumours reached Ireland that he intended to grant a general toleration. The Archbishop of Dublin and the Bishop of Meath immediately wrote to the King, protesting against such a measure, and entreating him to put some check upon the priests, to send over good preachers, and to compel the people to come to church.[1]

1604. State of the Irish Church.

James, who, at the beginning of his reign, had suspended the action of the Recusancy laws in England, took no notice of the first and last of these requests, but signified his intention of planting a learned ministry in Ireland. It was certainly time that something should be done. Excepting in the towns, scarcely anything worthy of the name

[1] The Archbishop of Dublin and the Bishop of Meath to the King, June 4, 1603, *Irish Cal.* i. 70.

of a church existed, and in the towns the preachers almost universally failed in obtaining even a hearing.[1] In the country the condition of the Church was deplorable. It was generally believed that the majority of the clergy were unable even to read. During the times of anarchy, the livings had fallen into an evil plight. It frequently happened that the patrons took possession of a large part of the income of the benefice, whilst they nominated, for form's sake, some illiterate person to the vacant post. This nominee usually agreed before his institution that he would be content with a mere fraction of his nominal income. Cases were known in which grooms and horse-boys held two or three benefices a-piece. Nor was this the worst. Even bishops, who should have stemmed the tide of corruption, took part in it themselves. Foremost in the ranks of these episcopal pluralists stood the Archbishop of Cashel. In addition to his archiepiscopal see, he held three bishoprics and seventy-seven other benefices. The infamous sale of promotions which took place in his diocese became afterwards the subject of a special inquiry. Hundreds of churches were lying in ruins over the whole of Ireland. In hundreds of parishes no divine service was ever celebrated, no sacrament administered, no Christian assemblies held of any kind. Here and there, to the disgust of the Government, a few benefices were in the hands of Jesuits, and the Papal Nuncio obtained an annual income of forty or fifty pounds from a living which he held within the Pale.[2] But these were exceptions. As a rule, heathenism would have settled down over the whole face of the country if it had not been for the ministrations of the Catholic priests.

1605. Chichester's proceedings at Armagh.

On his way to the North in the course of his first progress, Chichester found the Cathedral at Armagh in ruins. There were dignitaries of various kinds, but all of them had received ordination from the Church of Rome, and held their posts in virtue of commissions from the

[1] The Archbishop of Dublin and the Bishop of Meath to the Council, March 5, 1604, *Irish Cal.* i. 223.

[2] Davies to Cecil, February 20, 1604. Justice Saxey's Discourse [1604], *ibid.* i. 213, 397.

Pope. They refused to use the English service. There was attached to the church a college for twelve vicars choral, endowed with tithes, but its revenues had been confiscated by the dean without any lawful authority. It happened that the Archbishop, who rarely visited his diocese, was in the Deputy's company. Chichester ordered him to provide a minister for the place, and directed that he should himself reside in Armagh for at least three or four months in the year. The tithes which had been so scandalously embezzled were, for the present, to be employed in maintaining poor scholars at the College in Dublin, till a sufficient number of educated men were provided for the service of the Church.

As soon as he had reached Dublin, the Deputy found that James had determined to make an attempt to drive the recusants to church. On July 4, a proclamation had been issued by the King himself, commanding all persons in Ireland to repair to their several churches, and directing that all priests who remained in the country after December 10 should be banished.[1] Directions were also given, that all the judges were to attend the Protestant services.

Proclamation to enforce the Recusancy Act.

The Deputy, whose ideas on religious liberty were like those of the mass of his contemporaries, prepared to carry out his instructions. He sent for Sir John Everard, the only one of the judges who refused to conform, and entreated him to give way, offering to allow him as much time for consideration as he wished for. After the lapse of a year, as he still refused to comply, he was finally removed from his post.[2]

Sir J. Everard removed from the Bench.

Against the recusants in general, the Deputy was furnished with fewer weapons than those which were at the disposal of the Government in England. No Irish Act of Parliament existed which authorised the exaction of more than a shilling for every absence from church. Unhappily an idea occurred, either to Chichester or to some of his

Difficulty in dealing with the Irish recusants.

[1] Proclamation, *Irish Cal.* i. 513.

[2] Chichester and the Irish Council to the Council, Oct. 5. Davies to Salisbury, Dec. 5, 1606, *ibid.* i. 554, ii. 69.

advisers,[1] by which he hoped to be able to supplement the deficiency of the law. The elastic powers of the Castle Chamber might be stretched to cover a less urgent case. Chichester had set his heart upon the improvement of Ireland, and he was firmly convinced that, without the spread of Protestantism, all his efforts would be in vain, and he was too much in earnest to wait for the operation of time. The shilling fine indeed might drive the poor into submission, but it was ridiculous to expect that it would have much effect upon a wealthy merchant or shopkeeper. It was therefore necessary that stronger measures should at once be taken.

The Aldermen of Dublin required to attend church.

In the course of the month of October, the aldermen and several of the chief citizens of Dublin were summoned before the Council. The Deputy distinctly disclaimed any desire to force their consciences. To change the faith of any person was the work of God alone. But the matter now before them was not a question of conscience at all. He merely asked them to sit in a certain place for a certain time. They were only required to listen to a sermon. They need not profess assent to the doctrines which they heard. It was a mere question of obedience to the law.

They refuse, and are summoned before the Castle Chamber.

It was all in vain. With one voice they told the Deputy that they could not with a clear conscience obey the King in this point.[2] Accordingly, on November 13, formal mandates were served upon them, commanding them to attend church on the following Sunday.[3] They disobeyed the order, and sixteen of them were summoned before the Castle Chamber on the 22nd. Of the proceedings on this occasion, all that has come down to us is a speech delivered by one of the King's Counsel, whose name is not given. In this speech the claims of the civil power to obedience were put forward in the most offensive way. After a long argument in favour of the King's jurisdiction in

[1] It was certainly supported by Davies. Davies to Salisbury, Dec. (?), 1605, *Irish Cal.* i. 603. It looks very like one of his suggestions.

[2] Fenton to Salisbury, Oct. 26, *ibid.* i. 565.

[3] Mandate, Nov. 13, *ibid.* i. 573.

ecclesiastical matters, the speaker proceeded with the following extraordinary remarks :—"Can the King," he asked, "make bishops, and give episcopal jurisdictions, and cannot he command the people to obey that authority which himself hath given? Can he command the bishop to admit a clerk to a benefice, and cannot he command his parishioners to come and hear him? . . . The King commands a man to take the order of knighthood. If he refuse it, he shall be fined, for it is for the service of the commonwealth. Can the King command a man to serve the commonwealth, and cannot he command him to serve God?"[1]

Before the proceedings were brought to a close, Chichester discovered that they were likely to awaken greater resistance than he had expected. The principal lords and gentlemen of the Pale appeared before the Court with a petition in which, after protesting their loyalty, they begged that the execution of the King's proclamation might be deferred until they had informed His Majesty of the injustice to which they were subjected.[2] Sentence was pronounced upon nine of those who had been summoned before the Court. Those of them who were aldermen were each to pay a fine of one hundred pounds; the others escaped with a payment of half that sum.[3] Chichester, who was afraid lest he should be accused of having set these prosecutions on foot for the purpose of replenishing the Exchequer, directed that the fines should be expended upon the repairing of churches and bridges, and other works of public utility.[4] A few weeks later the remainder of the sixteen were sentenced to similar fines, with the exception of one of the aldermen, who promised to come to church.

Petition presented by the lords and gentlemen of the Pale.

Sentence of the Castle Chamber.

[1] Speech of Council, Nov. 22, *Irish Cal.* i. 579.

[2] Petition enclosed by Chichester to Salisbury, Dec. 7, 1605, *ibid.* i. 593.

[3] Decree of the Castle Chamber, Nov. 22, *ibid.* i. 604. In the course of the trial Salisbury's letter arrived, giving an account of the discovery of the Gunpowder Plot. Chichester read the letter in the presence of a large concourse of people who had assembled to watch the proceedings.

[4] Chichester to Salisbury, Oct. 29, *ibid.* i. 567.

The immediate result of these proceedings appeared to be satisfactory. The parish churches were better attended than they had been for many years.[1] The Deputy felt himself strong enough to imprison some of those who had been most forward in preparing the petition. Those who asked pardon were soon set at liberty; but one or two, who showed no signs of contrition, were retained in confinement. Upon this the petitioners forwarded their complaints to Salisbury. The Castle Chamber, they asserted, never before had been used as a spiritual consistory.[2] Before this letter could reach England, Sir Patrick Barnwall, who was believed to have been the contriver of the petition, was summoned before the Council. After a warm altercation with the Lord Deputy, Barnwall was committed to prison. "Well," said the prisoner, "we must endure, as we have endured many things." "What mean you by that?" asked Chichester. "We have endured," replied Barnwall, "the late war and other calamities besides." The Lord Deputy lost all patience. "You!" he cried, "endured the misery of the late war? No, sir, we have endured the misery of the war; we have lost our blood and our friends, and have, indeed, endured extreme miseries to suppress the late rebellion, whereof your priests, for whom you make petition, and your wicked religion, was the principal cause." Barnwall was at once ordered off to prison.[3] It was an easy way to close a controversy which threatened to be endless. Ultimately Barnwall was sent to England, to tell his own story to the Government.[4]

Dec. 2. Imprisonment of some of the petitioners.

The citizens who had been fined resorted to tactics which never fail to irritate a Government bent upon carrying out unpopular measures. On the plea that the Castle Chamber had exceeded its jurisdiction, they all refused to pay the fines, or to admit into their houses the officers who came for the purpose of collecting the money. Orders were given that the doors of two of the mal-

Resistance to the payment of the fines.

[1] Chichester and the Irish Council to the Council, Dec. 5, *Irish Cal.* i. 588.
[2] Chichester to Salisbury, Dec. 9, *ibid.* i. 600.
[3] Davies to Salisbury, Dec., *ibid.* i. 603.
[4] Chichester to Salisbury, April 25, 1606, *ibid.* i. 709.

contents should be broken open. Next morning all Dublin was full of stories of the violent proceedings of the officers to whom this commission had been entrusted. Doors had been broken open, the privacy of families had been violated, and women and children had been terrified by this unseemly intrusion.

The next step was the empannelment of the jury which was to value the property to be seized in payment of the fines. The owners hoped to baffle the Government by making all their property over, by deeds of gift, to persons of their own selection. To make matters more sure, they had been at the pains to antedate their deeds by six months. In ordinary times these deeds would at once have been set aside as fraudulent; but such was the indignation felt by the whole city, that the jury gave in a verdict to the effect that no property existed which could be touched by the Crown. The Government had recourse to its usual remedy: both the persons who had given and those who had accepted the deeds of gift were cited before the Castle Chamber, where the documents were pronounced to be fraudulent and void, and the fines were at once levied.

Not content with bringing the richer citizens into court, Chichester determined to make an attempt, by means of the shilling fine, to force the poorer inhabitants of Dublin to attend church. Indictments were accordingly served upon four hundred persons. Of these, one hundred and sixty-nine were not forthcoming in court. Of the remainder, eighty-eight conformed, whilst the number of those who refused to submit, and were sentenced to pay a fine, was one hundred and forty-three.[1]

In Munster, an attempt was made to carry out similar measures. In most of the towns, many of the poorer inhabitants were compelled to pay the shilling fine. Verdicts of this kind were generally obtained only by threatening the jury with the terrors of the Castle Chamber. The richer citizens were summoned at once before the President and his Council, and were heavily fined. Some

1606. Similar proceedings in Munster.

[1] Chichester and the Irish Council to the Council, with enclosures, March 7. Davies to Salisbury, Feb., *Irish Cal.* i. 648, 661.

of the members of the Irish Government were in high spirits. They believed that before long the majority of Irishmen would be reduced to the Protestant faith.[1]

It is plain, too, that Chichester's experience as a persecutor was beginning to tell upon him, as experience of this kind will always tell upon natures such as his. Even whilst he was engaged in bringing the Dublin citizens before the Castle Chamber, he was struck with the state of feeling prevailing in the city. He had intelligence, by means of spies, from all parts of Ireland, and he was soon made aware that his measures, instead of drawing the people to conformity, had evoked a spirit which would have broken out into open resistance, if the country had not been completely cowed by the results of the late war.[2] His forces had lately been considerably reduced, and, in the spring of 1606, he was obliged to provide for keeping order in a large country with less than the numbers of a single modern regiment.[3] Six months later he began to discover that there were better means of conversion than those which had been practised in the Castle Chamber. In June he wrote to the English Council that he saw little chance of prevailing with the aged and the wealthy, though he thought that the young and the poor might yet be won. The best hope of success was to be sought for in the education of the children.[4]

Chichester's opinion on persecution.

In the meanwhile Barnwall had arrived in London and was committed to the Tower. On July 3 the English Privy Council requested the Irish Government to justify its proceedings in issuing precepts under the Great Seal to compel men to come to church.[5] The reply [6] which was, after a long delay, sent in the name of the Irish Council is,

July 3. The Council asks for an explanation.

[1] The Council to Chichester, Jan. 24, *Irish Cal.* i. 630.

[2] Chichester to Devonshire, Jan. 2, 1606, *ibid.* i. 622.

[3] April 1, 1606. Horse and foot in Ireland, *ibid.* i. 683. There were only 880 foot, and 234 horse.

[4] Chichester to the Council, June 3, *ibid.* i. 749.

[5] The Council to Chichester and the Irish Council, July 3, *ibid.* i. 779.

[6] Chichester and the Irish Council to the Council, Dec. 1.

perhaps, the most curious monument which exists of the sentiments with which the question was regarded by men of the world in that age.

They began by treating the refusal of the aldermen to attend church as an act of disrespect to the Deputy, and to the Sovereign whose authority he bore, and argued that, even if there were anything in attendance upon Divine worship which did not properly come within the notice of the civil authorities, they had certainly a right to inflict punishment for disrespect to the King.

Dec. 1. Reply of the Irish Council.

"And if," they continued, "it should be admitted to be an ecclesiastical action, by reason that the circumstances are ecclesiastical, yet the King, being Supreme Head in causes as well ecclesiastical as civil, his regal power and prerogative do extend as large as doth his supremacy. And the statute giveth power to civil magistrates to enquire and punish, so the same is become temporal, or, at least, mixed, and not merely spiritual."

With this unlimited belief in the power of an Act of Parliament to change the nature of things, they had no difficulty in proving, satisfactorily to themselves, that the King had always exercised this supremacy in ecclesiastical matters. They seem, however, to have felt that their argument would carry them too far. They therefore hastened to qualify it by adding that, though the King's command ought to be binding in all things referring 'to the glory of God as well as to the good of the commonwealth,' yet it extended 'not to compel the heart and mind, nor the religion of the parties, but only the external action of the body.'

They acknowledged that there were two cases in which the King ought not to interfere even with 'the external action of the body,' namely, either when the person was liable 'to be drawn into the danger of hypocrisy,' or when the action commanded was 'prohibited by lawful and binding authority.' They argued, however, that there was no danger of leading anyone into hypocrisy by ordering him to go to church. The other objection they met by saying that when a Catholic priest directed those who would listen to him to absent themselves from

the Protestant service, he was only giving them advice, and the mere reception of advice freed no one from the duty of obeying the King. Besides this it was necessary that the Castle Chamber should cover the deficiencies of the Irish statutes. If no English precedent could be found, it was because no such interference had been needed where the law itself was so much more perfect.

The Council then returned to the main point, as if conscious that their answers had not been altogether satisfactory. It was plain, they argued, that to come to church was commanded by the law of God, for it was impossible to admit that Parliament would command anything contrary to the law of God. He who resisted the law of God was in danger of damnation, consequently it was 'a charitable thing, by terror of temporal punishments, to put such persons out of that state of damnation.'

After a few more remarks, they fell back on those general arguments to which most governments in the wrong have recourse when they are pressed hard. If men might disobey the law under pretence of conscience, no laws would be obeyed by anyone. "So that be the laws never so wise, wholesome, just, or godly, the common and unlearned people may discharge themselves of their duties by claiming or pretending the same to be against their erroneous or ignorant consciences, which is no other than to subject good laws to the will and pleasure not only of the wise, but of the simple."

Chichester felt that, however desirable it might be to compel all Irishmen to attend church, it was an impracticable scheme. On the very day on which the letter of the Council was written, he sent off another to Salisbury, in which he gave expression to his own feelings. "In these matters of bringing men to church," he wrote, "I have dealt as tenderly as I might, knowing well that men's consciences must be won and persuaded by time, conference, and instructions, which the aged here will hardly admit, and therefore our hopes must be in the education of the youth; and yet we must labour daily, otherwise all will turn to barbarous ignorance and contempt. I am not violent therein,

Chichester's letter to Salisbury.

albeit I wish reformation, and will study and endeavour it all I may, which I think sorts better with His Majesty's ends than to deal with violence and like a Puritan in this kind."[1] Upon the receipt of this letter the English judges were consulted, and gave an opinion that the proceedings in Ireland were according to law. Barnwall was, upon this, sent back to Ireland, and required to make submission to the Deputy. He had achieved his object. In spite of the opinion of the English judges, no attempt was ever again made in Ireland to enforce attendance at church through the fear of a fine in the Council Chamber.[2]

Two or three months later, Salisbury received a letter from Lord Buttevant, protesting against the measures which were being taken in Munster by the President.[3] Upon this the English Council wrote to recommend that a more moderate course should be taken with the recusants.[4] This order cannot have been otherwise than agreeable to the Deputy. He had engaged himself in repressive measures, not from any persecuting spirit, but because he believed that the religion of the Catholics made them enemies to order and government. He gave way, like the Duke of Wellington in 1829, without modifying his opinion in the least, as soon as he saw that his measures had provoked a spirit of resistance which was far more dangerous to the State than the elements which he had attempted to repress.

July, 1607. Relaxation of the persecution

The death of Sir Henry Brouncker, in the summer of 1607, made a change of system easy in Munster. It was found that he had left the principal men of all the towns in the province either in prison, or on bond to appear when they were summoned.[5] The greater part of the prisoners were released.[6] For some little time indictments

Death of Sir H. Brouncker.

[1] Chichester to Salisbury, Dec. 1, *Irish Cal.* ii. 64.

[2] The Council to Chichester and the Irish Council, Dec. 31, *ibid.* ii. 83.

[3] Buttevant to Salisbury, Feb. 11, *ibid.* ii. 137.

[4] The Council to Chichester, July 21, *ibid.* ii. 230.

[5] Moryson to Salisbury, June 25, *ibid.* ii. 266.

[6] Fourteen were kept in prison, who refused to sign a bond that they would not leave the province without leave, and that they would appear at

were brought under the statute, and the shilling fines were levied; but even these were gradually dropped, and, for a time at least, the Government was convinced that the attempt to convert Irishmen by force was more dangerous than they had expected.

Lalor, Vicar-General in three dioceses.

A trial which took place in the early part of 1607, can hardly be considered to have formed part of the persecution, which was at that time dying away. Amongst the priests who were lying in prison at the end of the preceding year, was Robert Lalor, Vicar-General in the dioceses of Dublin, Kildare, and Ferns. He obtained his release in December, by confessing that it was unlawful to hold the office which he occupied, and that the appointment of Bishops rightfully belonged to the Sovereign. He also promised to obey all the lawful commands of the King.

He is indicted under the Statute of Premunire.

It soon came to the ears of the Government that he had been giving a false account of the confession which he had made. He had attempted to excuse himself to his friends by asserting that he had only acknowledged the authority of the King in temporal causes. Upon this he was indicted under the Statute of Premunire. The Government do not seem to have been animated by any vindictive feeling against the man, but they appear to have been glad to seize an opportunity of demonstrating that he could be reached by a statute passed in the reign of Richard II., and that the claims of the Catholic priesthood had been felt as a grievance, even by a Catholic Sovereign and a Catholic Parliament. He was accordingly charged with receiving Bulls from Rome, and with exercising ecclesiastical jurisdiction. He had also instituted persons to benefices, had granted dispensations in matrimonial causes, and had pronounced sentences of divorce. At his trial he urged that he belonged to a Church whose decrees were only binding on the consciences of those who chose voluntarily to submit to them, and that therefore

any time when summoned before the Council, and that they would not willingly converse with any priest. The late President had laid fines to the amount of 7,000*l.*, but only 80*l.* was actually levied.—Chichester to Salisbury, Aug. 4, *Irish Cal.* ii. 316.

the Statute of Premunire, framed to check a jurisdiction recognised by the State, had no longer any application. Davies, who had become Attorney-General in the course of the preceding year, would hear nothing of this argument. A verdict of guilty was brought in, and sentence was pronounced.[1] Lalor, having served the purpose for which his trial was intended, slipped out of sight. It is not probable that he was very severely punished.

Chichester betook himself to a more congenial mode of reforming the Church. He could not do much where the Archbishop of Cashel was plundering four dioceses,[2] and where scarcely a parish was sufficiently endowed for the support of a minister. But he did what he could. He had his eye upon every preacher of worth and ability in Ireland, and as the sees fell vacant one by one, he was ready to recommend a successor, and to propose some scheme by which to increase the pittance, which the last occupant had probably eked out by illegal means. The rule which he laid down for the choice of bishops for Ireland may be gathered from a letter in which he informed Salisbury of the death of the Bishop of Down and Connor. He reminded him that, in choosing successors to any of the Bishops, regard should be 'had as well to their ability of body, and manners and fashion of life, as to their depth of learning and judgment: these latter qualifications being fitter for employments in settled and refined kingdoms than to labour in the reformation of this.'[3] Nor were these his only services to the Church. He was foremost in pressing on the translation of the Book of Common Prayer into Irish, and as soon as the work was accomplished in 1608, he took an active part in dispersing it through the country.[4]

Chichester's efforts to reform the Church.

1608.

The Deputy's office was certainly not a bed of roses. Whilst the whole of the Catholic South was openly expressing

[1] *State Trials*, ii. 533.

[2] Note of Abuses, Aug. 4, *Irish Cal.* ii. 315.

[3] Chichester to Salisbury, Jan. 14, *ibid.* ii. 104.

[4] *Harl. MSS.* 3544. The translation of the New Testament had been completed in 1603.

its detestation of his measures, the state of the North was such as to engage his most anxious attention. After his visit to Ulster in 1605, he had formed some hopes that the great chiefs would quietly submit to the new order of things. In the spring of the following year, he began to be doubtful of the success of any attempt to convert an Irish chief into a peaceful subject. The rule of the law had come near enough to the two northern earls to make them discontented. Tyrone himself promised that he would obey the laws. Chichester, who put little faith in his promises, was only confirmed by his intercourse with him in the opinion that Ulster would never prosper until it was brought under the settled government of a President and Council.[1] Tyrone must have had some inkling of this opinion of the Deputy, for, not long afterwards, he wrote to the King, protesting against such an indignity, and declaring that he would sooner pass the rest of his life in exile than come under any government but that of the King himself, or of the Lord Deputy ;[2] or, in other words, that he would do anything rather than submit to any government which was near enough to reach him effectively.

1606. Affairs of Ulster.

Chichester determined to leave it to time to develope the results which were certain to ensue, and contented himself with employing the summer in a progress through the three south-western counties of Ulster. His first resting-place was Monaghan, then a village composed of scattered cottages, chiefly occupied by the soldiers of the little garrison. The inhabitants of the surrounding country were, for the most part, members of the sept of the Mac-Mahons. Monaghan had been made shire-ground sixteen years before, and had been divided into freeholds, to be held by the principal men of the district. But the flood of rebellion had passed over the unhappy country before the new order of things had well taken root, and had swept away every trace of these arrangements. The freeholders themselves had been a particular mark for those who had found their account in the old anarchy, and such of them as did not aid the rebels were

Chichester at Monaghan.

[1] Chichester to Salisbury, May 10, *Irish Cal.* i. 726.

[2] Tyrone to the King, June 17, *ibid* i. 763.

either slain or driven away. To restore order amidst the confusion which had set in was no easy task. Chichester set about it with his usual good sense and courtesy. He arranged the whole settlement so as to make as few changes as possible. Whenever he found that an alteration was necessary, he laid it before the chief persons present, and succeeded in securing their full consent to his proposals. It only remained to obtain the requisite powers from England before his final sanction could be given.

Assizes held.

The necessity which existed for a change in the social condition of the country became apparent as soon as the assizes were opened. Prisoner after prisoner was brought to the bar; it was to no purpose that the most convincing evidence was tendered against them; in every case a verdict of Not Guilty was returned. The cause was soon discovered: the jurymen knew that if they returned a verdict of Guilty, they would be exposed to the vengeance of the relations of the prisoner, and that they might consider themselves fortunate if, as soon as the Deputy's cavalcade was gone, they only saw their lands pillaged and their cattle driven away.

The county was plainly unfit for the exercise of trial by jury. The simplest remedy would have been temporarily to suspend the system. But such an idea never occurred to Englishmen at that time, except in cases of actual rebellion. In this case the jurymen were visited with 'good round fines.' The next jury was terrified into giving a true verdict. We are not told what became of the persons who composed it after the Deputy was gone.

The caterers of Monaghan.

One of the customs of the county was a nuisance which Chichester was determined to abate. The principal men of the district had long made it a habit to 'eat their beef from the English Pale.' In order to make this possible, an indispensable member of their household was a professional thief, who went by the respectable appellation of 'The Caterer.' In order to give these people a hint that such proceedings must come to an end, two of the great men, whose tables had been supplied in this irregular way were in-

dicted as receivers of stolen goods. They acknowledged their fault upon their knees, and were immediately pardoned.

Before leaving Monaghan, Chichester obtained the consent of the chief men of the county to the building of a gaol and a sessions house, and persuaded them to contribute 20*l.* a year for the maintenance of a school.

In Monaghan there was some recollection of a land settlement. In Fermanagh the Irish tenures had prevailed uninterruptedly. The county was in the hands of two of the Maguires. Connor Roe Maguire had joined the English at the time of the rebellion, and had been rewarded by a grant of the whole county. When the war was concluded, Mountjoy, wishing to bribe into submission the rebel chief Cuconnaught Maguire, took advantage of a legal flaw in Connor's patent, and divided the county between them. No patent was, however, to be granted till freeholds had been established. Here, again, Chichester was called upon to solve the knotty question of the Irish tenures. On making inquiries, he found that here, as everywhere else, two theories prevailed. The lords, with one consent, declared that all the land belonged to them; the occupants no less stoutly protested that the land was theirs, and that the lords had only a right to certain fixed dues.[1] Chichester noted down in his memory the rival doctrines, and reserved them for future consideration. Davies, with characteristic readiness to grasp at any theory which made against the Irish lords, set down the case of the tenants as fully proved.

Fermanagh.

From Fermanagh the Deputy proceeded to Cavan, where he found the county in a state of unexampled confusion. Before the rebellion broke out, a settlement of the questions connected with the land tenures had been proposed by which the greater part of the district was to have been allotted to Sir John O'Reilly and his immediate relations. But, if this arrangement had ever taken effect, no legal records of it

Cavan.

[1] Precisely the same opposite doctrines as those which arose in Russia about the land tenure during the discussions on the emancipation of the serfs.

had been preserved, and Sir John himself had died in arms against the Queen. On his death, his brother Philip set at nought the arrangements of the Government, and took possession, as tanist, of the whole district, giving himself the title of The O'Reilly. He did not long survive his brother, and was succeeded by his uncle Edmond, who was afterwards killed in rebellion. Upon his death no successor was appointed. Whilst the greater part of the family had taken arms against the Queen, Sir John's eldest son, Molinary O'Reilly, had served under the English Government, and had been slain fighting against his countrymen. Upon the restoration of peace, his widow, a niece of the Earl of Ormond, demanded the wardship of her son, and a third part of the land as her own dower. This claim was not supported by law, as Sir John had never taken out his patent to hold his land by English tenure, and consequently his son Molinary had never been the legal owner of the land. Carey, however, who was the Deputy to whom her request had been made, acceded to her wishes, though he gave the custody of the land to one of Sir John's brothers. The inhabitants of the county took advantage of the confusion to refuse to pay rent to anyone. Chichester investigated the whole subject, and, as he had done in the case of the other two counties, reserved his decision till after his return to Dublin.

Results expected from the Deputy's progress.

The results which were expected to ensue from the coming change were sketched out, by Davies, in warm, but by no means in too glowing colours. "All the possessions," he wrote, "shall descend and be conveyed according to the course of the common law; every man shall have a certain home, and know the certainty of his estate, whereby the people will be encouraged to manure[1] their land with better industry than heretofore hath been used, to bring up children more civilly, to provide for their posterity more carefully. This will cause them to build better houses for their safety, and to love neighbourhood. And there will arise villages and towns, which will draw tradesmen and artificers, so as we conceive a hope that these countries, in a short time, will

[1] *i.e.* cultivate.

not only be quiet neighbours to the Pale, but be made as rich and as civil as the Pale itself." [1]

When the proposed settlement in Cavan and Fermanagh was laid before the English Privy Council, it appeared that the view there taken of the course to be pursued was more liberal than that of the Lord Deputy. They charged him to see that the natives were satisfied in the division of land, and that but few Englishmen should receive a share 'lest, if many strangers be brought in among them, it should be imagined as an invention to displant the natives, which would breed a general distaste in all the Irish.' [2]

Nov. 14. Opinion of the English Council.

The summer, which had been employed by Chichester in his northern progress, had also seen the conversion into shire-ground of the last southern Irish district which had maintained the independence of the English law. From henceforth the country of the Byrnes and Tooles was to be known as the county of Wicklow. On his return from Ulster, the indefatigable Davies accompanied the chief justice, Sir James Ley, on his circuit. For the first time, the new county was to be visited by the judges. They set out, without entertaining any very favourable expectations of the reception with which they were likely to meet, as it was generally understood in Dublin that the Wicklow hills were a mere den of thieves and robbers. They met with an agreeable surprise. The people flocked around the judges in such numbers that it was a matter of astonishment to them how the desolate mountains could support such multitudes. Old and young poured forth from the glens to welcome the magistrates, who were to confer upon the county the blessings of a settled and regular law. Nor was the feeling confined to the poorer classes. The gentlemen and freeholders paid the court the highest compliment which it was in their power to bestow, by

Wicklow made into shire-ground.

[1] Report of the Deputy's visit to Ulster, enclosed by Davies to Salisbury, Sept. 20, 1606, Davies' *Historical Tracts*, 215. Chichester and the Irish Council to the Council, Sept. 12, 1606. Chichester to the Council, Sept. 12, 1606, *Irish Cal.* i. 847, 848.

[2] The Council to Chichester, Nov. 14, *ibid.* ii. 37.

appearing in what was to them the awkward novelty of the English dress.[1]

If these unwonted signs of loyalty were manifested amongst the native population they were owing to the growing conviction that Chichester meant well by those who were subjected to his authority. Armed force he had but little to dispose of, but the knowledge that he was doing his best to establish justice weighed heavily on his side. By his attempt to force the Irish to conform to a religion which they detested, he had, from the best of motives, done much to weaken that impression ; but that mistake was soon to be abandoned, and if only the settlement of Ireland could have been carried out in the spirit which had dictated the despatch of the English Council on the division of Cavan and Fermanagh, Irish history would have been more cheerful reading than it is.

[1] Davies to Salisbury, Nov. 12, 1606, *Irish Cal.* ii. 33.

CHAPTER X.

THE PLANTATION OF ULSTER.

SATISFACTORY as the progress of improvement was, on the whole, the Deputy found materials for anxiety in the condition of Ulster. In the summer of 1606, a report reached him that Tyrconnell and Cuconnaught Maguire had been attempting to obtain a passage for France on board a Scottish vessel, which happened to be lying off the coast.[1] In January, 1607, Chichester took the opportunity of a visit which Tyrone was paying in Dublin, to question him on the subject, but he was unable to elicit from him any information except that the two chiefs were miserably poor, and had expressed to him their discontent. Tyrone himself was in no good humour; he was irritated by difficulties connected with the ownership of land in his own country, which had been perpetually recurring, in one form or another, ever since his return from England,[2] and which were likely to recur as long as the English Government looked with

Dissatisfaction of the northern chiefs.

1607.

[1] Depositions of Gawin More and Kilmeny, of Glasgow, Aug. 30, 1606, *Irish Cal.* i. 830.

[2] A few months before James expressed himself in a way which shows that he, at least, had no deliberate wish to despoil Tyrone of his inheritance, which, as he says, if it were determined by strict law, might be doubtful 'in a country where their evidences and records are so ill kept.' He sent a message to Salisbury, 'that as, on the one side, he will not maintain Tyrone in any encroaching of such greatness upon his subjects as were not fit, so on the other side he would wish all occasions to be taken from him of just complaint, considering what dependency the Irish have on him, and how ticklish their disposition is towards the State.'—Lake to Salisbury, Aug. 27, 1606, *Hatfield MSS.* 118, fol. 69.

jealousy on his proprietary claims, which carried political authority with them. His chief quarrel, however, was with Sir Donnell O'Canan, his principal vassal, or uriaght, as he was called by the Irish. O'Cahan's territory was of considerable extent, reaching from the river Bann to the shores of Lough Foyle. He boasted that it had been held by his ancestors for a thousand years. When a successor to The O'Neill was chosen, it was to O'Cahan that the privilege was assigned of inaugurating him by the various ceremonies which were required by the Irish custom.[1] When The O'Neill went to war, O'Cahan was bound to join him at the head of one hundred horse and three hundred foot, in return for which he claimed the suit of apparel which was worn by The O'Neill, and the horse upon which he rode, as well as a hundred cows. O'Cahan, on the other hand, paid to The O'Neill a yearly rent of twenty-one cows. According to O'Cahan, when he had performed these services, he was as much the lord of his own land as any English freeholder. O'Neill, on the other hand, had never been sparing, whenever he had the power, of those various forms of exaction which weighed so heavily upon an Irish vassal.

Tyrone's quarrel with O'Cahan.

This state of things, liable enough in itself to give rise to endless disputes, had been aggravated by the interpretation which each of the rivals had put upon the promises of the English Government. O'Cahan had followed his chief in rebellion, but had been the first to make his peace. As a reward for his desertion of the Irish cause, Mountjoy had promised him that he should in future hold his lands directly from the Crown. He actually received a patent, granting him the custody of the lands at the same rent as that which he had

[1] After the chief had sworn to observe the customs of the tribe, and had taken his place on the stone on which the chiefs or kings were seated at their installation, the principal sub-chief presented him with a rod. Then, 'after receiving the rod, the king's shoes were taken off, and he placed his feet in the impress, in the stone, of his ancestor's feet; then, stepping forward, the sub-chieftain placed sandals on his chief's feet in token of obedience, retained one of the royal shoes as an honourable perquisite, and threw the other over the king's head as an augury of good luck.'—*Dublin University Mag.* No. cccxxxv. p. 531.

been accustomed to pay to Tyrone; and he had a promise that an absolute grant of them should be made out, as soon as the Government had time to attend to such matters. But, before anything was done, Tyrone had himself submitted, and had received a grant of all the lands which had been in possession of his grandfather, Con O'Neill.

Upon Tyrone's return from England, his first thought was to claim O'Cahan's submission, in virtue of the grant which he brought with him. He hated O'Cahan as a deserter, and he demanded that two hundred cows should at once be sent to him, and that O'Cahan should engage to pay him, in future, the same number as an annual rent, which was considered to be equivalent to a payment of 200*l.* As a pledge for the performance of his demand, he took possession of a large district belonging to O'Cahan. At first, O'Cahan submitted without resistance, as he knew that Mountjoy had taken Tyrone's part, and whatever hopes he may have entertained were at an end when Tyrone showed him the royal grant. Believing that he had been betrayed, he resigned himself to his fate, and signed a paper, in which he agreed to give way in everything. He withdrew all claims to an independent position, and promised to submit any quarrel which might hereafter arise between himself and any of his own followers to the arbitration of the Earl.[1]

1603.

1606. O'Cahan submits to Tyrone.

It was probably during a visit paid to Montgomery, the new Bishop of Derry, Raphoe, and Clogher, in the summer of 1606, that a new light dawned upon O'Cahan's mind as to the support which he was likely to obtain from the Government. Montgomery had discovered that three bishoprics in Ireland might

[1] Agreement, Feb. 17. It is signed by O'Cahan only. *Irish Cal.* ii 144. The editors give the date as 1606, but place the document in 1607. There can be no doubt that 1606 is the right date. It was probably drawn up by some priest who attended Tyrone, who, from his foreign education, would be accustomed to begin the year on January 1. February 1606–7 is an impossible date, as Chichester speaks of the quarrel as already revived in his letter to Salisbury on January 26, 1607. Compare O'Cahan's petition, May 2, 1607, *Irish Cal.* ii. 120, 196 It appears that the seizure of the cattle took place in the beginning of October, 1606. —Davies to Salisbury, Nov. 12, 1606, *ibid.* ii. 33.

afford but a poor maintenance to a bishop, and, as he knew that a large part of the lands which he claimed on behalf of the see of Derry lay in O'Cahan's territory, he encouraged the Irishman to go to law with Tyrone, on the understanding that he was himself to reap part of the benefit.[1] Rumours, too, may well have reached him that inquiries had been made into the nature of the connection between the chiefs and their subordinates, and it must soon have oozed out that the Government was by no means desirous to allow more to the great chiefs than strict justice required.

Tyrone renews his aggressions.

Whatever rumours of this kind may have been abroad, they failed to make any impression on Tyrone. Scarcely had Chichester returned to Dublin, when the Earl proceeded to further aggressions. His wish was to gain over O'Cahan's followers to his own service. The method by which he hoped to obtain his object had, at least, the merit of simplicity. He drove off all the cattle which he could find in O'Cahan's district, and told the owners that they could only regain their property by breaking off all connection with his rival.[2]

May 1607. O'Cahan's case.

In May, O'Cahan laid his case before the Deputy and the Council. After detailing his grievances, he requested that he might be allowed the services of the Attorney-General.[3] His request was complied with, and the two rivals were ordered to present themselves before the Council. It had been difficult to induce Tyrone to appear; it was not to be expected that he should comport himself in such a manner as to satisfy the Council. His proud spirit was unable to brook the degradation of being called in question for what he regarded as his ancestral rights. He can hardly have doubted that a decision against him was a foregone conclusion, and that the legal question of the force of the patent granted

[1] Montgomery to Salisbury, July 1, 1607, *Irish Cal.* ii. 281, 282.

[2] This is O'Cahan's account of the matter. Tyrone, in his answer to O'Cahan's petition (May 23, 1607), says it was done as a distress for rent. Perhaps O'Cahan refused to pay the stipulated rent of two hundred cows.

[3] O'Cahan's petition, May 2; Tyrone's answer, May 23, *Irish Cal.* ii. 196, 212.

by James to himself was likely to be settled in O'Cahan's favour on political grounds.[1] "I am come here," said O'Cahan, "to be protected by the King, and to the end that I and my kindred may depend only on the King. If you send me down again to live under O'Neill, and to hold my country at his pleasure, I must do as I have done and be at his commandment in all actions he shall undertake."[2] No sooner had O'Cahan begun to read the papers on which he rested his case, than Tyrone snatched them violently from his hand, and tore them in pieces before his face. It was with difficulty that the Deputy restrained his indignation, and contented himself with giving him a slight reproof.

Chichester had reasons of his own for visiting so mildly this disrespectful conduct. Reports had reached him which led him to believe that an agitation was prevailing in the country which might at any time lead to an outbreak, and he was unwilling to precipitate matters by any appearance of severity.

Salisbury had received information of a plot which was in existence in Ireland, from a younger brother of Lord Howth, Sir Christopher St. Lawrence, who was at that time serving in the Archduke's army in the Netherlands. But St. Lawrence's character for veracity did not stand high, and it was difficult to take any measures solely upon his evidence. On May 18 a circumstance occurred which corroborated his statement; an anonymous paper was found at the door of the Council Chamber, stating that a plan had been formed to murder the Deputy and to seize upon the government.[3] Not long afterwards St. Lawrence, who had lately succeeded to his brother's title, arrived in Dublin. The new Lord Howth told his story to the Deputy. He said that it was intended that a general revolt should take place, in which many of the nobility, as well as the towns and cities, were to take part, and that they had received assurance of assistance

Information of a conspiracy given to the Government.

[1] See the apparently temperate statement in St. John's letter to Salisbury, June 1, *Irish Cal.* ii. 223.

[2] Davies to Salisbury, July 1, *ibid.* ii. 279.

[3] Chichester to Salisbury, May 27, inclosing a copy of the paper, *ibid.* i. 217.

from the King of Spain. The original idea had been to seize upon Dublin Castle at Easter in the preceding year, and to surprise the Deputy and Council. This was to have been the signal for a general rising. The plan was at that time relinquished, in consequence of the refusal of Lord Delvin, one of the lords of the Pale, to concur in any scheme by which Chichester's life was threatened. He declared that, sooner than the Deputy should be slain, he would reveal the whole plot to the Government. Howth added that, before he left Flanders, the learned Florence Conry, Provincial of the Irish Franciscans, assured him that everything was now ready in Ireland for an insurrection. The King of Spain, however, who was to furnish ten thousand foot and two hundred horse, would not be prepared till the autumn of 1608. The Provincial was himself entrusted with a large sum of money, which was to be placed in Tyrconnell's hands. Howth also declared that Tyrconnell had been present at the meetings of the conspirators. On the other hand, though he had no doubt of Tyrone's complicity, he was unable to prove anything against him. The information was afterwards fully confirmed by the confession of Delvin.[1] Chichester, however, at the time, put little confidence in a story which came from such a source. Howth himself refused to be produced in public as a witness, and there was little to be done except to use all possible means of acquiring additional information. That such a conspiracy existed was sufficiently probable. The attempt to enforce the Recusancy laws in 1605 could not but have had the effect of disposing the lords of the Pale and the merchants of the towns to look with eagerness to a coalition with the chiefs of the North, who were dissatisfied on very different grounds.[2]

Meanwhile Tyrone's prospects at Dublin had changed. The lawyers, with Davies at their head, had hit upon the notable

[1] Chichester to Salisbury, Sept. 8. Delvin's confession, Nov. 6, *Irish Cal.* ii. 296, 301, 336, 337, 438. The plot was imparted by Tyrconnell to Howth and Delvin at Maynooth, about Christmas 1605.

[2] Chichester to Salisbury, July 7. The Council to Chichester, July 22, *ibid.* ii. 296, 301.

idea that the lands in question belonged to neither of the disputants, but that they were, in reality, the property of the Crown. Proud of their discovery, the King's Counsel requested Chichester to allow them to exhibit an information of intrusion against the Earl, and assured him that they would be able to bring the whole district into His Majesty's hands. The Deputy's strong good sense saved him from being led away by such a proposal. An order was made that two-thirds of the district should remain in O'Cahan's possession, and that Tyrone should keep the remaining third till the question had been decided. Both Tyrone and O'Cahan were at this time anxious to have leave to go to England, and to plead their cause before the King.[1] After some delay, the King decided upon taking the matter into his own hands, and to hear the case in England.[2]

The lawyers declare that O'Cahan's land belongs to the Crown.

July 16. The case to be heard in London.

In August, Chichester again set out for Ulster. His intention was to carry out some, at least, of the reforms which he had planned in the course of his last visit. On his way, he had frequent interviews with Tyrone. The Earl was now evidently dissatisfied with the prospect of a visit to England, but was apparently engaged in making preparations for his journey.

In fact, the news that Tyrone had been summoned to England had spread consternation in the ranks of the conspirators. It was impossible for them not to suppose that more was meant than met the eye. They fancied that all their plans were in the hands of the Government, and they looked upon the order for Tyrone's journey to London as a clever scheme for separating from them the man whose presence would be most needful when the insurrection broke out. Accordingly, they soon became convinced that all chances of success were at an end, and that they might consider themselves fortunate if they succeeded in saving their lives from justice.

Consternation among the conspirators.

[1] Chichester and the Irish Council to the Council, June 26, with enclosures. Davies to Salisbury, July 1, *Irish Cal.* ii. 267, 279.

[2] The King to Chichester, July 16. Chichester to the Council, Aug. 4, *ibid.* ii. 288, 316.

On Saturday, August 29, Chichester saw Tyrone for the last time. The earl visited the Deputy at Slane, and entered into conversation with him on the subject of his intended journey to England. When he took his leave, the downcast expression of his countenance was noticed by all who saw him. He may well have been dejected. The dream of his life was passing away for ever. Calmly and steadily the English usurper was pressing on over the land where obedience had been paid to his ancestors for generations. He had easily credited the warning which reached him, that if he set foot in England he would himself be committed to the Tower, and that Chichester would be appointed to govern Ulster as Lord President. Nothing remained but to seek refuge in a foreign land from the hated invader, whom he could never again hope to expel from the soil of Ireland.

Tyrone visits Chichester at Slane.

He next went to Sir Garret Moore's house, at Mellifont. When he left the house, the inmates were astonished at the wildness of his behaviour. The great earl wept like a child, and bade a solemn farewell to every person in the house. On the 31st he was at Dungannon, where for two days he rested for the last time among his own people. Late on the evening of September 2 he set off again, accompanied by his wife, his eldest son, and two of his young children. A party of his followers guarded their chief and his family. Between him and his countess there was but little love; in his drunken bouts he had been accustomed to behave to her with the greatest rudeness. Nothing but absolute necessity had forced her to remain with him, and she had only been prevented from betraying his secrets to the Government by the care with which he avoided entrusting her with any.[1] As the train was hurrying through the darkness of the night, she slipped from her horse, either being in reality overcome with fatigue, or being desirous of escaping from her husband. She declared that she was unable to go a step further. Tyrone was not in a mood to be crossed; he drew his sword, and com-

Flight of Tyrone.

[1] When Chichester was in the North in 1605, Lady Tyrone had offered to play the spy for him.—Chichester to Devonshire, Feb. 26, 1606, with enclosures, *Irish Cal.* i. 654.

pelled her to mount again, swearing that he would kill her, if she did not put on a more cheerful countenance. The next day, he crossed the Foyle at Dunalong, in order to pass unnoticed between the garrisons of Derry and Lifford. The Governor of Derry, hearing that the earl was in the neighbourhood, and being ignorant of his intentions, sent a messenger to ask him to dinner, an invitation which Tyrone declined. Late on the night of the 3rd, the little band arrived at Rathmullan, on the shores of Lough Swilly, where Tyrconnell and Cuconnaught Maguire were waiting for them.[1] Maguire, who had been acquainted with the conspiracy, had gone over to Brussels in May,[2] apparently in order to see whether there was any chance of obtaining assistance from the Archduke. A few weeks earlier, Bath, a citizen of Drogheda, had been sent by the two earls to ask for help from the King of Spain,[3] but had met with a cool reception. The Spanish Government had enough upon its hands in the Low Countries to deter it from embarking in a fresh war with England. Maguire had not been long in Brussels before information reached him that their whole scheme had been discovered. It was said that the Archduke had given him a sum of money to enable him to assist in the escape of the persons implicated. With this he bought a ship at Rouen, where he met with Bath, and in his company sailed for the north of Ireland.

He finds Tyrconnell and Maguire at Rathmullan.

They had been preceded by a letter written from Brussels by Tyrone's son, Henry O'Neill, to his father, which, probably, conveyed intelligence of their intended arrival.[4] On August 25, they had cast anchor in Lough Swilly, where they had remained under pretence of being engaged in fishing until Tyrconnell and Tyrone could be warned. On September 4, the exiles went on board, and on the following day they bade farewell for ever to their native land. It is said that they were detained by a curious circum-

They set sail from Lough Swilly.

[1] Chichester to the Council, Sept. 7. Davies to Salisbury, Sept. 12, *Irish Cal.* ii. 343, 354.

[2] Examination of James Loach, Dec. 18, *ibid.* ii. 493.

[3] Examination of Sir Thomas Fitzgerald, Oct. 3, *ibid.* ii. 390.

[4] Confession of Sir Cormac O'Neill, Oct. 8, *ibid.* ii. 424.

stance.[1] There was an infant child of one of Tyrconnel's brothers, who was, according to the Irish custom, under the care of a foster father. It happened that the child had been born with six toes on one of its feet. A prophecy was said to have been handed down for generations, that a child of the sept of the O'Donnells would be born with six toes, who would drive all the English out of Ireland. Such a treasure was too valuable to be left behind, and the whole party waited till the child had been brought on board. The pains which were taken to secure this infant were the more remarkable, as one of Tyrone's own children was left in Ireland.

Precautions taken by the Government.

Chichester felt the full extent of the danger. He knew that if a Spanish army were to land in Ireland, it would be impossible for him to meet it with more than four hundred men, and there was little hope that he would receive any active assistance, even from those among the Irish who were ill-disposed to the cause of the two earls. Whatever could be done, he did at once. Small garrisons were thrown into the chief strongholds of the fugitives, and orders were given for the arrest of the few persons who were known to have taken part in the conspiracy.[2] Commissioners were sent into the northern counties to assume the government in the name of the King, and a proclamation was issued, in which assurances were given to the common people that no harm should befall them in consequence of the misconduct of their superiors.

Still, the Deputy was anxious. In Ulster, as in so many other parts of Ireland, though there were a few men of wealth who dreaded the effects of a new rebellion, the mass of the population were in such extreme poverty as to welcome the prospect of war, in the hopes of gaining something in the general scramble. Already bands were formed which began to plunder their neighbours, and to infest the surrounding districts.

[1] This explanation would reconcile Davies, who says that they took ship on the 4th, with Chichester, who says that they sailed on the 5th. Perhaps, however, one of the dates is incorrect.

[2] Chichester to the Council, Sept. 7. Chichester to Salisbury, Sept. 8, 1607, *Irish Cal.* ii. 343, 347.

Chichester was not only in want of men, but money, as usual, was very scarce. He tried to borrow 2,000*l.* in Dublin, but the merchants of the capital had not forgotten the proceedings in the Castle Chamber, and refused to lend him a shilling.

Amidst all these difficulties, Chichester kept his eye steadily fixed upon the future. He saw at once what an opportunity offered itself for changing the northern wilderness into the garden of Ireland. If his plan had been adopted the whole of the future history of Ireland might have been changed, and two centuries of strife and misery might have been spared. Let the King, he wrote, at once take into his own hands the country which had been vacated by the earls, and let it be divided amongst its present inhabitants. Let every gentleman in the country have as much land as he and all his tenants and followers could stock and cultivate. Then, when every native Irishman of note or good desert had received his share, and not till then, let the vast districts which would still remain unoccupied, be given to men who had distinguished themselves in the military or civil service of the Crown, and to colonists from England or Scotland, who might hold their lands upon condition of building and garrisoning castles upon them. By this means, everything would be provided for. The country would be put into a good state of defence, at little or no expense to the Government, and the Irish themselves would be converted into independent and well-satisfied landholders, who would bless the Government under which they had experienced such an advance in wealth and prosperity. If this were not done, Chichester concluded by saying, no alternative remained but to drive out all the natives from Tyrone, Tyrconnell, and Fermanagh, into some unapproachable wilderness where they would be unable to render any assistance to an invading army.[1]

Chichester's views for the settlement of Ulster.

He hopes to be able to bring the conspirators to trial.

The answer received from England to this proposal was favourable. James was willing to adopt Chichester's plan ; but it would be necessary first to proceed to the conviction of the

[1] Chichester to the Council, Sept. 17, 1607, *Irish Cal.* ii. 358.

fugitives, as nothing could be done with their estates before their attainder.[1]

Anxiety of the Government with respect to Ulster.

For the present, however, the Government had its hands too full of more important matters to allow it to devote much time to tracing out the ramifications of an abortive conspiracy. The flight of the earls had brought with it a considerable alteration in the relations which had previously subsisted between the Government and the chiefs of secondary rank in the North. As long as Tyrone and Tyrconnell remained in Ulster it was natural that their dependents should look with hope to a Government which was likely to support them in any quarrel which might arise between them and their superiors. But as soon as the earls were gone, these men stepped at once into their place. The same fear of English interference which had driven Tyrone and Tyrconnell into rebellion now filled the minds of their vassals with anxiety. It soon became evident that nothing but the greatest prudence and forbearance on the part of the English officials would succeed in maintaining the peace in Ulster.

The Bishop of Derry and O'Cahan.

The two Englishmen, upon whose discretion the preservation of peace principally depended, were the Bishop and the Governor of Derry. Unfortunately, at this time both these important posts were occupied by men eminently unfitted to fulfil the duties of their position. Neither of them had been appointed at Chichester's recommendation. Montgomery had obtained the bishopric through the favour of James himself. He employed himself diligently in promoting the temporal interests of the See, to the complete neglect of his spiritual duties. A year before he had supported O'Cahan against Tyrone, because a large part of the land which he claimed as the property of the See was in O'Cahan's territory,[2] and he thought that it would be easier to reclaim

1 The Council to Chichester, Sept. 29, *Irish Cal.* ii. 380.

2 "Sir Donnell is a man of bold spirit, altogether unacquainted with the laws and civil conversation" . . . "and undoubtedly hath much malicé within him, especially towards his neighbours; yet I am of opinion he might have been made better by example and good usage; and when

them from him than from Tyrone. O'Cahan, however, showed signs of resistance, and gave cause of suspicion to Chichester of an intention to rebel.

The commander of the garrison at Derry, Sir George Paulet, was, if possible, still less fitted for his post than the Bishop of the See. He had been recently appointed by the English Government, and it was said that he owed this favour to the employment of bribery. From the first Chichester had regarded the choice with disapprobation.[1] Not only was Paulet no soldier, but his temper was beyond measure arrogant. He was soon at bitter feud with his subordinate officers. He certainly did not incur their dislike by over-strictness of discipline ; even the most ordinary precautions were neglected, and—incredible as it may seem, in the midst of a population which might rise at any moment—he allowed the garrison to retire quietly to rest at night, without taking even the precaution of posting a single sentry on the walls. Such conduct had not escaped Chichester's observant eye. If Paulet had been an officer of his own appointment, he would, doubtless, have removed him from his post without loss of time. As it was, he was obliged to content himself with warning him against the consequences of his negligence. Unfortunately, he had to do with one of those who never profit by any warning.

Sir G. Paulet, Governor of Derry.

1607.

Such a man was not likely to be a favourite amongst his Irish neighbours. He had not been long at Derry before he was on the worst possible terms with Sir Cahir O'Dogherty, the young and spirited lord of Innishowen. About two months after the flight of Tyrone, the smouldering embers of the quarrel burst out into a flame.

He suspects O'Dogherty of intending to rebel,

this nation do once find that their neighbours aim at their lands, or any part thereof, they are jealous of them and their Government, and, assuredly, his first discontent grew from the Bishop's demanding great quantities of land within his country, which never yielded, as he saith, but a chiefry to that see : and so did the Primate's demands add poison to that infected heart of Tyrone."—Chichester to Salisbury, Feb. 17, 1608, *Irish Cal.* ii. 568.

[1] Chichester to Salisbury, Feb. 20, 1607, *ibid.* ii. 147.

On October 31, O'Dogherty collected a number of his followers, for the purpose of felling timber. In the state of excitement in which the country was, it was impossible for a man of O'Dogherty's mark to bring together any considerable body of men without exposing himself to suspicion. He was at that time more likely to be regarded as a man inclined to make a stir, as he had recently put arms into the hands of about seventy of his followers. Within a few hours, therefore, after he left his home at Birt Castle, a report spread rapidly over the whole neighbourhood that, together with his wife and the principal gentlemen of the district, he had taken refuge in Tory Island, where he intended to await the return of Tyrone. No sooner had this report reached Paulet than he wrote to O'Dogherty, pretending to be extremely grieved at the rumours which had reached him, and requesting him to come at once to Derry. Paulet, after waiting a day or two for an answer, set out for Birt Castle, accompanied by the sheriff and by what forces he was able to muster. He hoped to be able to surprise the place in the absence of its owner. On his arrival he found that, though O'Dogherty himself was absent, his wife had remained at home, and refused to open the gates. His force was not sufficiently large to enable him to lay siege to the place, and he had no choice but to return to Derry, and to write an account of what had passed to the Deputy. At the same time he was able to inform him that O'Cahan had been lately showing signs of independence, and had been driving the Bishop's rent-gatherers off the disputed lands.[1]

and fails in an attempt to surprise Birt Castle.

[1] Hansard to Salisbury, Nov. 1 and 6, *Irish Cal.* ii. 425, 448. O'Dogherty to Paulet, Nov. 4. Paulet to Chichester, Nov., *ibid.* ii. 429, 430. Chichester to the Council, April 22, May 4, 1608, *ibid.* ii. 662, 686. That O'Dogherty was innocent of any intention to rebel was believed by Hansard, who, as Governor of Lifford, was likely to be well informed. Chichester, too, speaks of this matter in a letter to the Council on April 22, as one 'wherein all men believed he had been wronged.' Besides, if he had intended treason, Neill Garve would certainly have known of it; and if anything had passed between them, some evidence of it would surely have been discovered when witnesses were collected from all quarters at a later date.

Although O'Dogherty was unwilling to trust himself in Paulet's hands, he did not refuse to present himself before Chichester at Dublin. The Deputy, who at this time looked with suspicion upon all the northern lords, listened to his story, but it was evident that he did not altogether believe it. Having no proof against him, he allowed him to return, after binding him in recognisances of 1,000*l.* to appear whenever he might be sent for. Lord Gormanston and Sir Thomas Fitzwilliam became securities for his appearance.[1]

O'Dogherty defends himself to Chichester.

Shortly after his return, O'Dogherty was called upon to act as foreman of the grand jury which was summoned to Lifford, in order to find a bill for high treason against the earls and their followers. The jury consisted of twenty-three persons, thirteen of whom were Irish. They do not seem to have shown any backwardness, though at first they felt some of those scruples which would naturally occur to men who had lived under a totally different system of law from that in the administration of which they were called to take a part. Having expressed a doubt as to the propriety of finding a bill against the followers, some of whom might only have acted under coercion, they were told that the indictment with which alone they were now concerned was only a solemn form of accusation, and had nothing of the nature of a final sentence. Opportunity would afterwards be given to such persons to clear themselves, if they could. The jury were satisfied with this answer, but wished to know how they were to find the earls guilty of imagining the King's death, as there was no evidence before them that either of them had ever had any such intention. They were then initiated into one of the mysteries of the English law, and were told that every rebel conspired to take the King's crown from him, and that it was evident that a man who would not suffer the King to reign, would not suffer him to live. Upon this they retired, and within an hour found a true bill against the accused.

Assizes at Lifford,

The judges then crossed the river to Strabane, in the county

[1] Chichester to the Council, Dec. 11, 1607, *Irish Cal.* ii. 486.

of Tyrone where a true bill was again found against Tyrone, on the charge of having assumed the title of The O'Neill.[1] He was also found guilty of murder, having executed nineteen persons without any legal authority. After this the judges told the grand jury that they should thank God for the change which had come over the country. They were now under the King's protection, who would not suffer them to be robbed and murdered, and who would not allow anyone to be imprisoned without lawful trial. To this address they all answered with cries of "God bless the King!"[2] A few weeks afterwards process of outlawry was issued against the fugitives, with a view to their attainder.[3]

1608. and at Strabane.

During these months attempts were repeatedly made to induce O'Cahan to submit himself to the authority of the English officers. It was only after the Deputy had prepared a small force to march into his country, that he submitted, and gave himself up in Dublin, where he was kept in confinement, at his own request, till he could disprove the charges brought against him.

O'Cahan submits his conduct to investigation.

If O'Dogherty had been left to himself, he might possibly have remained a loyal subject. Unluckily, he fell under the influence of the wily and unscrupulous Neill Garve, whose lands lay to the south of his own territory. Neill Garve had never forgiven the Government for preferring Rory O'Donnell to himself, and he was now more than ever exasperated at the discovery that the Deputy showed no signs of any desire to obtain for him the earldom which was once more vacant. He stirred up the excitable nature of O'Dogherty,[4] who was vexed at the insult which he had received

1608. Intrigues of Neill Garve.

[1] This charge was only supported by one document, in the body of which he was styled The O'Neill, though in his signature he used the name of Tyrone.

[2] Davies to Salisbury, Jan. 6, 1608, *Irish Cal.* ii. 517.

[3] Chichester to the Council, Feb. 11, Chichester to Salisbury, Feb. 17, 1608, *ibid.* ii. 542, 568.

[4] These and other statements relating to Neill Garve's proceedings rest upon the depositions enclosed in Chichester's letter to Salisbury, Oct. 31, 1609, *Irish Cal.* iii. 513.

from Paulet, and was displeased that Chichester had thought it necessary to require him to give bonds for his appearance. At the same time, Phelim Reagh, O'Dogherty's foster-father, poured oil upon the flame: he had his own injuries to complain of, having met with harsh treatment from the judges at the last assizes.[1]

By the middle of April these evil counsellors had so far wrought upon the high spirit of this ill-advised young man as to persuade him to throw himself headlong upon the English power. The most extraordinary thing about the enterprise was, that no plan whatever was formed as to the measures to be taken in the event of success. Probably all that O'Dogherty thought of was the prospect of immediate revenge upon Paulet. Neill Garve seems to have been filled with confidence that, whatever happened, his wits would succeed in securing something for himself in the general confusion. For the present, he contented himself with informing O'Dogherty that if he succeeded in surprising Derry, he would himself make an attempt upon Ballyshannon.

Caution sent to Paulet.

The practised eye of Hansard, the Governor of Lifford, perceived that something unusual was in preparation. He, accordingly, put the town in a good state of defence, and at the same time sent a warning to Paulet, to which not the slightest attention was paid.[2]

O'Dogherty's plan for surprising Culmore.

The chief obstacle in the way of the conspirators was the difficulty of obtaining arms. Since Chichester's proclamation for a general disarmament, it was almost impossible to procure weapons in quantities sufficient to give to a rebellion the chances of even a momentary success. O'Dogherty, however, knew that arms were to be obtained at the fort of Culmore, which guarded the entrance to the Foyle. Such a prize could only be gained by stratagem. On April 18, therefore, he invited Captain Hart, the commander

[1] Dillon to Salisbury, April 25, 1608, *ibid.* ii. 671.

[2] The details of the sack of Derry are given by Chichester to the Council, April 22, and Bodley to ——? May 3, *Irish Cal.* ii. 662, 682. See also the reports of Hart and Baker, enclosed by Chichester to the Council, May 4, 1608, *ibid.* ii. 686.

of the fort, to dine with him at his house at Buncrana. He complained that the ladies of Derry looked down upon Lady O'Dogherty, who was in consequence deprived of all society suitable to her rank; he hoped, therefore, that Hart would bring his wife and children with him. The invitation was accepted. As soon as dinner was over O'Dogherty led his guest aside, and, after complaining of the Deputy's conduct towards him, said that as Chichester would not accept him as a friend, he should see what he could do as an enemy. He threatened Hart with instant death unless he would surrender the fort. Hart at once refused to listen to such a proposal. He stood firm against his wife's entreaties, which were added to those of Lady O'Dogherty. His host told him that his wife and children should all perish if he persisted in his refusal, and offered to swear that if the fort were delivered to him, not a single creature in it should be hurt. Hart, like a sturdy Englishman as he was, answered, 'that seeing he had so soon forgotten his oath and duty of allegiance to' his 'Sovereign Lord the King,' he 'should never trust oath that ever he made again.' He might hew him in pieces if he would, but the fort should not be surrendered. Upon this O'Dogherty took Hart's wife aside, and persuaded her without difficulty to second him in a scheme which would enable him to get possession of the fort without her husband's assistance.

Towards the evening he set out with about a hundred men, and arrived after nightfall at Culmore. As soon as he came close to the gate he sent the lady forward with one of his own servants. She cried out, according to her instructions, that her husband had fallen from his horse and had broken his leg, and that he was lying not far off. Upon this the whole of the little garrison rushed out to help their captain. Whilst they were thus employed, O'Dogherty quietly slipped in at the gate, and took possession of the place.

1608. Surprise of Culmore.

Having thus obtained the arms of which he was in need, he set off for Derry. When he arrived at the bog by which the town was separated from the adjoining country, he divided his forces, and put one part under the

Capture of Derry.

command of Phelim Reagh. This division was to assault the principal fort, which lay upon the hill, whilst O'Dogherty himself was to direct the attack upon a smaller fortification at the bottom of the town, in which the munitions were stored. Their only chance of success lay in their finding the garrison off its guard, as there were in the town a hundred soldiers, and an equal number of townsmen were capable of bearing arms. It was about two in the morning when the attempt was made. Phelim Reagh succeeded in effecting an entrance, and at once made for Paulet's house. The Governor was roused by the noise, and succeeded in making his escape to the house of one of the other officers, where he was finally discovered and put to death. After some fighting, all resistance was overcome in this part of the town, and the buildings in the fort were set on fire. The lower fort was seized by O'Dogherty with still less difficulty. Lieutenant Baker, having been baffled in an attempt to retake it, collected about one hundred and forty persons —men, women, and children—and took possession of two large houses, in which he hoped to be able to hold out till relief reached him. At noon on the following day, provisions running short, and O'Dogherty having brought up a gun from Culmore, he surrendered, upon a promise that the lives of all who were with him should be spared.

Neill Garve's disappointment.

Neill Garve had sent sixteen of his men to join in the attack. As soon as the place was taken, O'Dogherty, according to agreement, sent him a part of the spoil. Neill Garve refused to take it. What he was anxious to obtain was a share of the arms, and he was disappointed that none had been sent.

The garrison at Lifford reinforced.

News of what had occurred soon spread over the country. The little garrison of Dunalong at once retired to Lifford, and its example was followed by the Scottish colony which occupied Strabane. With this assistance Hansard made no doubt that he would be able to maintain himself at Lifford against any force which O'Dogherty could send against him.

Whether Neill Garve was really offended with O'Dogherty, or whether he was only anxious to keep well with both parties

it is impossible to say. It is certain that the first thing which he did was to sit down and write to Chichester, requesting him to give him the whole of the county of Donegal. To this modest demand Chichester replied by advising him to show his loyalty at once, and to trust to him for the proper reward afterwards.

Neill Garve makes proposals to the Government.

The Deputy saw the necessity of crushing the rebellion before it had time to spread. He at once despatched the Marshal, Sir Richard Wingfield, into Ulster, with all the troops which he was able to muster at the moment, and prepared to follow with a larger force. On Wingfield's approach, O'Dogherty perceived that the game was up, unless a general rising could be effected. He set fire to Derry, and, after leaving Phelim Reagh at Culmore with thirty men, and throwing a garrison into Birt Castle, he himself retired to Doe Castle, a fastness at the head of Sheep Haven.

Wingfield sent into Ulster.

O'Dogherty retreats to Doe Castle.

To O'Dogherty's honour it must be said, that his prisoners were all released, according to promise. Excepting in actual conflict, no English blood was shed in the whole course of the rebellion.

On May 20, Wingfield arrived at Derry, and, finding it in ruins, pushed on to Culmore. In the course of the night Phelim Reagh set fire to the place, and, having embarked in two or three boats all the booty he had with him, made his way to Tory Island. Wingfield proceeded to subject Innishowen to indiscriminate pillage.[1] The cattle and horses of the unfortunate inhabitants were carried off, and were given to the townsmen of Derry, in compensation for their losses.

Innishowen plundered by Wingfield.

Neill Garve, seeing that O'Dogherty was unable to make a stand against the English, thought it was time to submit to the Government. He accordingly came into Wingfield's camp, upon receiving a protection from the consequences of his past acts. He had not been long in the camp before he sent to O'Dogherty,

Neill Garve submits to the Government, but communicates with O'Dogherty.

[1] Enclosures in Chichester's letter to the Council, May 4, 1608, *S. P. Irel.*

assuring him that he need not despair, as the forces sent against him were by no means strong. He told him that he had himself only submitted to necessity, and that he was in hopes that arms would be put into the hands of himself and his followers, in which case he would take the earliest opportunity of deserting.

Attempt to capture O'Dogherty frustrated by Neill Garve's treachery.

Wingfield was only waiting for munitions to lay siege to Birt Castle. In the meanwhile he received intelligence which gave him hopes of capturing the rebels. Neill Garve, however, sent information to O'Dogherty of the plan of the English commander, and the attempt ended in failure.

Arrest of Neill Garve.

Not long afterwards the traitor left the camp, and betook himself to unadvised courses, which quickly drew upon him the suspicions of the Marshal. He took great numbers of O'Dogherty's followers under his protection, and plundered those who had submitted to Wingfield. Nor did he stop here. He presumed himself to summon the inhabitants of the whole county to join him, as if he had been lord of the entire inheritance of the O'Donnells.[1] He commanded that all men who had ever carried arms should, when they answered his summons, provide themselves with arms under pain of a fine. This was too much for the Marshal's patience. As his former treachery was now beginning to ooze out, he was immediately arrested, and sent a prisoner to the Deputy.

O'Dogherty defeated and slain.

O'Dogherty's case was now hopeless. He was unable to cope with Wingfield, and Chichester's forces would soon be added to those of the Marshal. One desperate attempt he made to break through the toils, perhaps in the hope of exciting a more widely spread insurrection. With four hundred men he made his way across Ulster, and surprised and set fire to the little town of Clinard, in the neighbourhood of Armagh. But here he found that his way was barred by Chichester's cavalry, and there was nothing to be done but to attempt a hopeless retreat to Doe Castle,

[1] Bishop of Derry to Chichester, June 15, *Irish Cal.* ii. 782.

the only place where it was any longer in his power to obtain even a temporary shelter, as Birt Castle, in which his wife, his daughter, and his sister were, had fallen into the hands of the English.[1] It was all to no purpose: he never reached the place of safety. On July 5, as he was approaching Kilmacrenan, a small place about six miles to the north-west of Letterkenny, he found Wingfield stationed across his path. The English immediately commenced the attack, though their numbers were considerably inferior to his.[2] The Irish were completely routed, and O'Dogherty himself was slain. It was better so, than that he should have met the fate of a traitor. Nothing good could ever have come of his rash and ill-timed rebellion. But he was not a mean and treacherous enemy, like Neill Garve. Under other circumstances he might have lived a useful, and even a noble, life. He had set his life upon the throw; but it is impossible not to feel compunction in reading the Deputy's letter, in which he announces that, the body of the man who had spared the prisoners of Derry having been taken, he intended to give orders that it should be quartered, and the fragments set up on the walls of the town where he had shown an example of mercy to a conquered enemy.

Of his followers, some of those who could not escape were hanged at once by martial law, and some were reserved for trial.[3] Amongst the latter were Phelim Reagh and one of O'Cahan's brothers, both of whom were executed. Two days after O'Dogherty's defeat, his brother-in-law, Oghie Oge O'Hanlon, went into rebellion with a hundred men, but was speedily overpowered. One sad scene has been handed down to us from the history of this abortive attempt at insurrection, such as must often have occurred in these horrible Irish wars. A poor woman, we are told, 'was found alone by

O'Hanlon rebels.

[1] Chichester and the Irish Council to the Council, July 2, *Irish Cal.* ii. 810.

[2] Chichester to the Council, July 6, *ibid.* ii. 817. If the numbers are correctly given, O'Dogherty must have had seven hundred men. As he marched out with four hundred only, he must have gathered followers on his way. The English numbers are given at three hundred.

[3] Chichester to the Council, Aug. 3, *ibid.* iii. 7.

an Irish soldier, who . . . . stripped her of her apparel,' and left her 'in the woods, where she died the next day of cold and famine, being lately before delivered of a child.'[1]

The employment of treachery by the English commanders is even more repulsive than a casual act of cruelty. Wherever any of the rebels were still to be found in arms, Chichester allowed it to be understood that he would pardon no man unless he could show that he had put some of his comrades to death.[2]

August. The massacre on Tory Island.

One of the escaped bands had taken refuge on Tory Island. Sir Henry Foliot, who was sent in pursuit, found that they had all fled, except a constable and thirteen warders. Foliot offered to spare the constable if he would within two hours deliver up the castle on the island with the heads of seven of his companions, amongst whom was to be a certain M'Swyne. While this negotiation was going on, one of the English officers was, by Foliot's orders, dealing with M'Swyne to kill the constable and some of the others. "So," wrote Foliot coolly to Chichester, "they departed from me, each of them being well assured and resolved to cut the other's throat. By ill hap, within the time appointed, it was the constable's fortune to get the start of the others, who killed two of them. Presently the rest of them fled into the island, hiding themselves among the rocks and clefts, which, after the break of day, I caused them to look for, and gave them two hours for the bringing in of their heads without the assistance of any of the soldiers; otherwise their own were like to make up the number promised by them; and, after a little search, they found three of them in a rock. The passage to it, in every man's opinion, was so difficult that I had well hoped it would have cost the most of their lives; but the constable, with the first shot he made, killed the principal; the other two men ran away toward us, the one of them promising some service, which I inquired of and found little matter in it, so delivered him

[1] Davies to Salisbury, Aug. 5, *Irish Cal.* iii. 15.
[2] Chichester to the Council, Sept. 12, *ibid.* iii. 40.

again to the constable to be hanged; and as he was leading him to the execution, the desperate villain, with a skean he had secretly about him, stabbed the constable to the heart—who never spake word—and was after by the other cut in pieces himself with the other three, and so there were but five that escaped. Three of them were churls, and the other two young boys." [1] That an English officer could originate such a tragedy, and calmly recount it afterwards, goes far to explain why it was that even the efforts made by the Government in favour of the natives did not go far to win the Celtic heart from their own chieftains.

June, 1609. Neill Garve's trial.

It was not till June 1609 that Neill Garve was brought to trial. The evidence against him was irresistible; but his neck was saved by the old difficulty. Before the verdict was given it came to the knowledge of the court that the jurors would never convict the lord of their own country. Upon this an excuse was found for stopping the trial.[2] The prisoner was sent to England, together with O'Cahan. They were both detained in prison till they died, in spite of their complaints of the illegality of such treatment.

He and O'Cahan are sent to England.

When O'Dogherty's rebellion had been crushed, all possibility of resistance was for the present at an end. The English Government had only to consider what use they would make of their conquest. It was necessary to take some steps for the settlement of Ulster. On the spirit in which the new system was introduced would depend the prospects of Ireland for centuries. The temper of the native population was such as to promise well for the success of any experiment which might be introduced by a ruler who combined a practical knowledge of the circumstances of the country with a statesmanlike appreciation of the wants of the people with whom he had to deal. The recollection of the harshness of English rule, indeed, continued to form a barrier between the Government and a great part of the inhabitants of Ireland, and

Prospects of the future.

[1] Foliot to Chichester, Sept. 8, *Irish Cal.* iii. 54.

[2] Davies to Salisbury, June 27, *ibid.* iii. 398.

to hinder any sudden loosening of the ties which had united the people to their chiefs. But, though signs were not wanting that those ties were not as binding as they had once been, the task was one of no slight difficulty. Even if Chichester's plan of treating the Irish of Ulster with justice and liberality in the distribution of land had been followed out, no action of the Government could have checked the daily insults of the English population, arrogantly conscious of superiority to a despised race. The spirit which made possible the brutalities of Tory Island could not be allayed by any Government, however wise.

If any Englishman could conduct the settlement of Ulster to a profitable end, it was Chichester. On October 14, he placed some notes on the condition of the six escheated counties of Tyrone, Donegal, Coleraine, Armagh, Fermanagh, and Cavan, in the hands of Sir James Ley and Sir John Davies, the Irish Chief Justice and Attorney-General, who were to visit England in order to lay the ideas of the Irish Government before the English Privy Council at a consultation in London, in which they had been summoned to take a part.[1] In these notes the Deputy entered at length into the character and circumstances of the principal natives, and concluded by recommending, as he had already done by letter, that they should be satisfied with grants of land. When that had been done, and the officers who were to head the settlements, which were virtually to act as garrisons for the country, had also received their shares, whatever remained undisposed of might be thrown open to English and Scottish colonists.

1608. Chichester's notes on Ulster.

On their arrival, Ley and Davies were directed to join with Sir Oliver St. John, Sir Henry Docwra, Sir Anthony St. Leger, and Sir James Fullerton, in drawing up a plan for the proposed colonisation, or, as it was called, the plantation of Ulster. On December 20, these commissioners produced a scheme for the settlement of the county of Tyrone,[2] and, at no long interval, they extended its principles to embrace

Commission in London.

[1] Chichester's instructions, Oct. 14, 1608, *Irish Cal.* iii. 97.

[2] Report of the Commission, Dec. 20, *Irish Cal.* iii. 202.

the whole of the six counties.[1] In many respects their suggestions were not unlike those which had been made by Chichester. They proposed, as he had done, that the new inhabitants of Ulster should be composed of the retired civil and military servants of the Crown, and of English and Scottish colonists. But whilst Chichester would have treated with the Irish as being the actual possessors of the soil, and would only have admitted the colonists after the bargain with the natives had been completed, the Commissioners were ready to look upon the map of the North of Ireland as if it had been a sheet of white paper, and to settle natives and colonists in any way which might appear at the time to be most convenient. They were all men who knew Ireland well; but the question was one of that kind which demands something more than personal knowledge of a country. Of the part which each of them took in the production of the scheme there is no evidence whatever, but the error which was committed was so precisely of the kind which was likely to proceed from Davies, that it is difficult to avoid the conclusion that it is principally to him that the mischief is to be traced.

1609. Differences between their plan and that of Chichester.

No doubt the plan of the Commissioners was attended by considerable advantages. By bringing the Irish to inhabit separate districts assigned to them by the Government, they would be withdrawn from those defensible positions which might prove formidable in case of another outbreak. Of still greater importance was it to leave a continuous tract of land for the sole use of the English colonists, whose safety would be endangered if their possessions were intermingled with those of the Irish, who were little disposed to look with favour upon the intruders on their native soil. But all these arguments were as nothing in the face of the manifest injustice of tearing away a whole population from its homes. The one hope for Ireland was that the Irish themselves should learn that it was possible to regard the Government with loyalty. Whatever mistakes had been com-

Mistake of the Commissioners.

[1] A project for the division of the escheated counties, Jan. 23, *Irish Cal.* iii. 244.

mitted during the first five years of James's reign, the policy adopted by Chichester had been, at all events, such as to foster the notion that his aim was the protection of the native population against the exorbitant power of their own lords. Whatever good-will may have been won in this way was lost for ever if the scheme of the Commissioners should be adopted. It was not as if the land question had concerned the prominent chiefs alone; in spite of all the practical oppression which had been exercised, no idea was more strongly rooted in the Irish mind than that the land was the property, not of the chief, but of the sept; and that the poor were equally interested with the rich in defending the tenure of the soil. With a little management and fair dealing, such a feeling would probably have passed away before the softening influence of increased material prosperity. But a forcible removal of a whole population could only be regarded as a violation of its dearest rights. The poorest herdsman who wandered after his cattle over the bogs and mountains would treasure up in his heart the remembrance of the great confiscation which had robbed him of the lands of his ancestors, and had placed them at the feet of the stranger.

Its extreme importance.

It is not too much to say that upon this apparently simple question the whole of the future fate of Ireland depended. For when once that decision was taken, there would be no possibility of drawing back. If the plan of the Deputy were carried out, Ireland would be left, in the main, to its own inhabitants, and the English Government would have limited its interference to that salutary control and education which a more advanced race is capable of exercising over another in a more backward condition. If, on the other hand, the scheme of the Commissioners were adopted, Ulster was inevitably doomed to a confiscation which would hand it over to an alien race; here, too, as in some other parts of Ireland, there would be a chasm which nothing could bridge over between the old and the new possessors of the soil. The religious differences, which, under other circumstances, as the Government grew wiser with the course of time, would cease to trouble it, would become the watchwords of the opposing races, which would learn to hate one another with a hatred greater than

even that to which theological rancour can give birth. In the midst of the strife the government itself would deteriorate. Those who from time to time exercised its powers would be more than human if they were able to mete out indifferent justice, between Protestant Englishmen and men of an alien race, whose religion they detested, and whose submission was to be secured by force alone, excepting at the price of sacrifices which they were unwilling, and probably unable, to make.

Bacon's views on the state of Ireland.

Nothing of all this was foreseen by the well-meaning men who had been employed to draw up the regulations for the future colony. Nor was either James or Salisbury likely to come to their help. Even the man of transcendent genius who was ready to give his advice upon the subject failed to grasp the real bearings of the case. Bacon had long cast his eyes with sorrow and impatience upon the distracted condition of Ireland. The work of reducing it to civilisation was more likely to enlist his sympathies than even the Union with Scotland or the abolition of feudal tenures in England. Above all things he hated anarchy, and the proposed enterprise was welcome to him as the heaviest blow which had yet been dealt to the chronic anarchy of Ireland. By the side of such a work as this, he himself has told us, he looked upon the Virginian colony as upon the romantic achievements of Amadis de Gaul when compared with the deeds related in Cæsar's Commentaries.

His treatise on the plantation of Ulster.

A few days after the first report of the Commissioners was ready, Bacon drew up,[1] on the subject which had been occupying his mind, a short treatise, which he presented to the King as a New Year's gift.[2] As is the case with everything else which proceeded from his pen, the few pages of which it consisted teem with lessons of practical wisdom. On every point upon which he touched he had something to say which deserved the attention even of those who were immediately familiar with the country of which

[1] *Letters and Life*, iv. 116.

[2] Bacon to the King (*ibid.* iv. 114)

he was writing. But that which, at this distance of time, strikes the reader far more than the insight into the facts of the case which he displayed, is the complete absence of the slightest allusion to the feelings and wishes of the native population, or to the not improbable consequences of the dislike with which they would be certain to regard the intruders. Where a modern writer would see a wild independence which, if once it were trained to obedience, would form the surest foundation for liberty, Bacon saw nothing more than the anarchy which actually prevailed; and with his exaggerated faith in the power of government to educe order out of confusion by regulative measures, he left James and his advisers without a word of warning.

If it was unfortunate that Bacon should have failed to point out the way to better things, it was no less unfortunate that Chichester, who alone had the wisdom to recommend the adoption of a juster system, should have been influenced merely by motives of practical expediency. It was not to the future embarrassments of his successors that he was looking when he drew up his scheme: it was only the present difficulty of removing the septs which had deterred him from adopting the view which had found favour in London.[1] But he took care to remind the Commissioners that the Irish were certain to put forward claims which were disregarded in the new scheme, and he informed them that he had himself ordered the publication in Tyrone of the King's intention to settle all the principal men in competent freeholds if they could give assurance of their loyalty.[2]

Chichester's views on the question.

According to the scheme of the Commissioners, the portions

[1] "Now you must note that many of the natives in each county do claim freehold in the lands they possess, and albeit their demands are not justifiable by law, yet is it hard and almost impossible to displant them; wherefore I wish that a consideration may be had of the best and chief of them, albeit they were all in Tyrone's last rebellion, and have now hearts and minds alike."—Chichester's instructions, Oct. 14, 1608, *Irish Cal.* iii. 97.

[2] Chichester to the Privy Council, March 10, 1609, *ibid.* iii. 292.

into which the escheated lands were to be divided were to be of three different sizes—of one thousand, fifteen hundred, and two thousand acres respectively.[1] Each proprietor was to build on his estate either a castle or a walled enclosure, with or without a stone house, according to the amount of land he held. The English and Scottish undertakers, to whom the greater part of the land was assigned, were to be prohibited from alienating their lots to Irishmen, or from permitting any native to hold land under them. On the land assigned to the officers, a certain number of Irish were permitted to remain, but for the most part they were to be banished either to the portions assigned to the landowners of their own race, or to desolate regions in other parts of Ireland.

Cavan. Publication of the Commissioners' scheme.

It had been originally intended that the colonists should present themselves in Ireland at Midsummer 1609, but it was found necessary to defer the commencement of the undertaking till the following year.[2] Some of the provisions of the scheme had been found to be distasteful to those who were likely to give in their names, and it was proposed to alter the arrangements in these respects. Time

The colonisation deferred.

[1] The following is the proposed division according to the second report of the Commission. The calculation is given in acres :—

	English and Scotch	Servitors	Irish
Tyrone	45,000	14,000	10,000
Coleraine	15,000	1,500	6,500
Donegal	47,000	10,000	18,500
Fermanagh	—	4,500	8,500
Cavan	8,000	8,000	16,500
Armagh	35,000	7,500	10,000
	150,000	45,500	70,000

According to the Muster Roll presented by Mr. Gilbert (*A Contemporary History of Affairs in Ireland*, i. 332), these six counties when settled produced from amongst the colonists, a muster of 7,336 armed men, which in a settled county would imply a population of about 29,000. As, however, there would be few aged persons amongst them, it would hardly be safe to reckon more than 20,000.

[2] Reasons proving that the deferring of the Plantation is most convenient. May, *Irish Cal.* iii. 326.

was also required for surveying the country, for tracing out the lands for the officers' settlements, and for removing the native population.

In the course of the summer, Chichester, accompanied by a large number of the members of the Irish Privy Council, went down as Commissioners to carry out the intended survey.[1] The surveyors were accompanied at every step of the way by a guard, having a lively recollection that the inhabitants of Tyrconnell had, a few years previously, cut off the head of a certain Berkeley, who had been sent down to survey the district. On this occasion, however, the Deputy's force was so overpowering that no resistance was attempted.[2]

Survey of the lands.

During the ensuing winter, Chichester had time to think over the results of his experience. In a paper which he drew up for the information of the Home Government, he again urged the necessity of making sufficient provision for the Irish. If he had relinquished the plan of satisfying the natives before the admission of the colonists, he was still anxious that they should be treated with as much fairness as was compatible with the destiny which had been assigned to them, in order that as little room as was possible might be left for complaint.[3] The English Government, unhappily, had lost all sense of feeling for the natives. In the preceding summer they had ordered the levy of several hundreds to serve in the Swedish wars. No doubt there were many turbulent persons in the north of Ireland whom it would be difficult to induce to settle down under peaceful conditions. But in expressing a wish that as many natives as possible might be 'vented out of the land,' they gave evidence of a temper which was not likely to help them to govern Ireland well.[4]

1610. Chichester's views on the settlement of the natives.

When the summer of 1610 came, the Deputy once more

[1] The King to Chichester, June 30. Chichester to Salisbury, July 18, *Irish Cal.* iii. 406, 432.

[2] Davies to Salisbury, Aug. 28, *ibid.* iii. 471.

[3] Certain considerations touching the Plantation, by Sir A. Chichester, Jan. 27, *ibid.* iii. 587.

[4] The Council to Chichester, Aug. 3, 1609, *ibid.* iii. 454.

proceeded to the north. He first went into Cavan, where he found that the Irish had procured the services of a lawyer from the Pale to urge their claims. This man argued that, in reality, the land was the property of the native holders, and asked to have the benefit of the proclamation which Chichester had published soon after his accession to office, in which a declaration had been made that the lands and goods of all loyal subjects would be taken under His Majesty's protection. Davies met him with the eady answer, that the Irish holdings gave no ownership which he law could recognise. To this was added the extraordinary argument, that they could not possibly be considered as having any hereditary title; in the first place, because 'they never esteemed lawful matrimony to the end they might have lawful heirs:' and, in the second place, because 'they never built any houses, nor planted any orchards or gardens, nor took any care of their posterities—both which they would have done if they had had estates descendible to their lawful heirs.' As a natural consequence, they had no lands to which the proclamation could apply.[1] Davies does not inform us what effect this miserable reasoning had upon the Irish; but there can be little doubt that the presence of the Lord Deputy and his troops was far more effectual than the logic of the Attorney-General.

He goes into Ulster in order to remove the Irish.

In Fermanagh and Donegal there was little remonstrance, but in the other three counties the Deputy found it by no means easy to effect his purpose. There is something very touching in the tone of the letter in which he gave an account to Salisbury of his difficulties. He writes as a man who sees that his wisest schemes have been ruined by the folly of others, but who is at the same time prepared to do his duty unflinchingly, and to make the most of that which others had done their best to mar. Two years before[2] he had thought of little more than of the difficulties of overcoming resistance if he were compelled to deal harshly with the natives. He had now learned to sympathise with them. The Irish, he writes,

His difficulties.

[1] Davies to Salisbury, Sept. 24, *Irish Cal.* iii. 874, and printed in Sir J. Davies's *Tracts*.

[2] P. 436.

are discontented. They were nearly ready to have left their barbarous habits and to have submitted themselves loyally to the King. But the land which had been assigned to them was insufficient for their maintenance, and the golden opportunity of winning their hearts had been lost. Chichester felt deeply the injury thus done to Ireland, and was almost inclined to fancy that the blunder of the Commissioners had arisen from ill feeling towards himself.[1]

Discontent in Ulster.

The effects of this disastrous policy were not long in manifesting themselves. So general was the discontent that Chichester found it necessary, upon his return to Dublin, to leave behind him double garrisons in the fortresses by which the northern province was commanded.[2]

[1] 'The natives of these counties . . . are generally discontented and repine greatly at their fortunes, and the small quantities of land left unto them upon the division, especially those of the counties of Tyrone, Armagh, and Coleraine, who having reformed themselves in their habit and course of life beyond others, and the common expectation held of them (for all that were able had put on English apparel and did promise to live in townreds, and to leave their creaghting), did assure themselves of better conditions from the King's Majesty than those they lived in under their former landlords, but now they say they have not land given them, nor can they be admitted tenants, which is more grievous unto them. I have both studied and laboured the reformation of that people, and could have prevailed with them in any reasonable matter, though it were new unto them; but now I am discredited among them, for they have far less quantities assigned unto them in those counties than in the other three; in which the Commissioners . . . were, in my opinion, greatly overseen, or meant not well unto me; for to thrust the servitors with all the natives of a whole county which payed the King near 2,000*l.* rent yearly, into little more than half a barony (as in Tyrone) was a great oversight, if not out of ill-meaning. If I speak somewhat feelingly in this particular, it is to your Lordship to whom I must and will appeal when I conceive I suffer wrong, in which I humbly beseech your Lordship to excuse me, for I have some reason to doubt the affection of some of those Commissioners towards me, though I never deserved ill at their hands, and I humbly pray your Lordship that I may not be guided by any direction of others, for they know not Ireland so well as I do, especially Ulster, nor do they wish better to the good and prosperity thereof, nor to the advancement of the King's profit and service.'—Chichester to Salisbury, Sept. 27, *Irish Cal.* iii. 876.

[2] Chichester to the Council, Sept. 27, 1610, *ibid.* iii. 878.

During the course of the next year some progress was made in the colonisation of the country. Of the undertakers some indeed never came near the lands which had been allotted to them, but there were others who entered heartily upon the enterprise. When in the summer months Lord Carew, the former President of Munster,[1] came over to report on the condition of the country, he found the busy sound of the forge and the mill in many a spot where such sounds were heard for the first time. Schools and churches were springing up. The City of London had taken in hand the settlement of Derry, which was now to be rebuilt under the name of Londonderry, and to give its name to the county in which it stood, and which had hitherto been known as the county of Coleraine. To all appearance the change was for the better; but the disease was too deeply rooted to be removed by such signs of outward prosperity. For the present, indeed, all was quiet. Feeling that resistance was hopeless, those among the Irish to whom lands had been assigned had removed sullenly to their scanty possessions.[2] But the mass of the inhabitants remained in their own homes. They made themselves too useful to be removed, and by permission or by connivance the arrangement for the separation of the two races was broken through. They remained to feel that they were in bondage to an alien race. They knew that they were despised as barbarians by men who had robbed them of their lands. There was not an Irishman who plied his daily task for his English or Scottish employer who did not cherish in his heart the belief that he and his were the true lords of the soil, and who did not look forward with hope to the day when the great O'Neill should return from his wanderings, and should give back the land to those to whom it of right belonged.

1611. Progress of the colony.

[1] Report, Jan. 29, *Lambeth MSS.* 630, fol. 42.

[2] Chichester to Salisbury, Dec. 12, 1610, *Irish Cal.* iii. 928.

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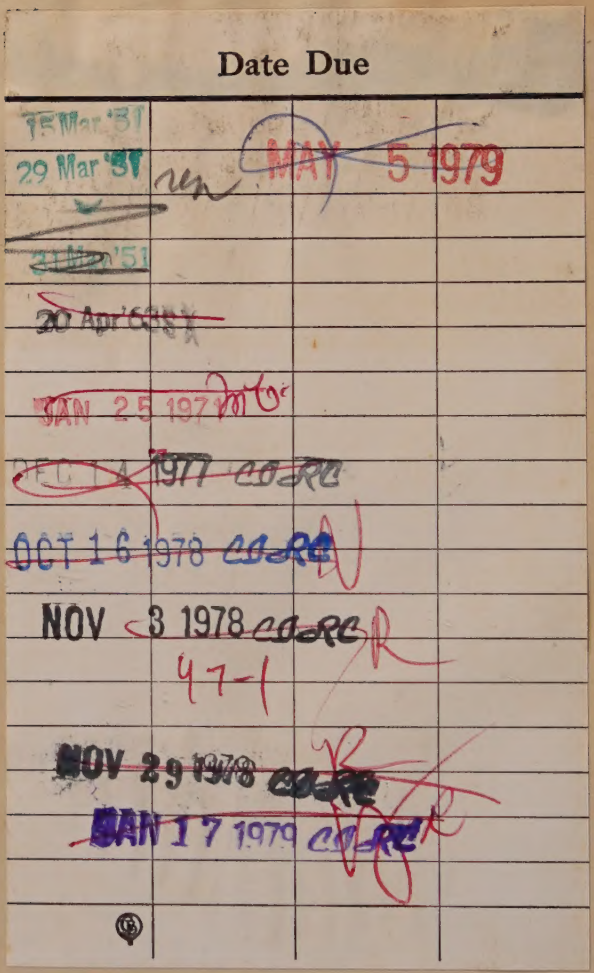
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